



Working in Partnership



To all Members of the Planning Applications Committee

A meeting of the **Planning Applications Committee** will be held in the **Council Chamber, County Hall, St Annes Crescent, Lewes BN7 1UE** on **Wednesday, 26 April 2017** at **17:00** which you are requested to attend.

Please note the venue for this meeting which is wheelchair accessible and has an induction loop to help people who are hearing impaired.

This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

12/04/2017

Catherine Knight
Assistant Director of Legal and Democratic Services

Agenda

- 1 Minutes**
To approve the Minutes of the meeting held on 5 April 2017 (copy previously circulated).
- 2 Apologies for Absence/Declaration of Substitute Members**
- 3 Declarations of Interest**
Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.
- 4 Urgent Items**
Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972. A Supplementary Report will be circulated at the meeting to update the main Reports with any late information.
- 5 Petitions**

To receive petitions from councillors or members of the public in accordance with Council Procedure Rule 13 (Page D9 of the Constitution).

Planning Applications OUTSIDE the South Downs National Park

- 6 **LW/16/0831 - Reprodex House, Norton Road, Newhaven, East Sussex, BN9 0BZ (page 5)**
- 7 **LW/16/1040 - Land To The Rear Of The Rosery, Valebridge Road, Burgess Hill, West Sussex, RH15 0RT (page 22)**
- 8 **LW/16/0935 - Chatfields Yard, Cooksbridge Road, Cooksbridge, East Sussex, BN8 4JT (page 53)**
- 9 **LW/17/0030 - Knights Court, South Road, South Common, South Chailey, East Sussex (page 79)**
- 10 **LW/16/0930 - 11 Elphick Road, Ringmer, East Sussex, BN8 5PR (page 103)**
- 11 **LW/17/0179 - Meridian Court, 38 Cavell Avenue, Peacehaven, East Sussex (page 111)**

Planning Applications WITHIN the South Downs National Park

- 12 **SDNP/16/05778/FUL - Hanover House, Timberyard Lane, Lewes, BN7 2AU (page 115)**
- 13 **SDNP/17/01087/HOUS - Spiders Cottage, Station Road, Glynde, BN8 6SP (page 135)**

Non-Planning Application Related Items

- 14 **Outcome of Appeal Decisions on 14th February and 3rd April 2017 (page 142)**
To receive the Report of the Director of Service Delivery (Report No 68/17 herewith).
- 15 **Date of Next Meeting**
To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 17 May 2017 in the Council Chamber, County Hall, St Annes Crescent, Lewes, commencing at 5:00pm.

For further information about items appearing on this Agenda, please contact Jen Suh at Southover House, Southover Road, Lewes, East Sussex BN7 1AB (Tel: 01273 471600) or email jen.suh@lewes.gov.uk

Distribution: Councillor S Davy (Chair), G Amy, S Catlin, P Gardiner, T Jones, D Neave, V lent, T Rowell, J Sheppard, R Turner and L Wallraven

NOTES

If Members have any questions or wish to discuss aspects of an application prior to the meeting they are requested to contact the Case Officer. Applications, including plans and letters of representation, will be available for Members' inspection on the day of the meeting from 4.30pm in the Council Chamber, County Hall, Lewes.

There will be an opportunity for members of the public to speak on the application on this agenda where they have registered their interest by 12noon on the day before the meeting.

Planning Applications OUTSIDE the South Downs National Park

Section 2 of each report identifies policies which have a particular relevance to the application in question. Other more general policies may be of equal or greater importance. In order to avoid unnecessary duplication general policies are not specifically identified in Section 2. The fact that a policy is not specifically referred to in this section does not mean that it has not been taken into consideration or that it is of less weight than the policies which are referred to.

Planning Applications WITHIN the South Downs National Park

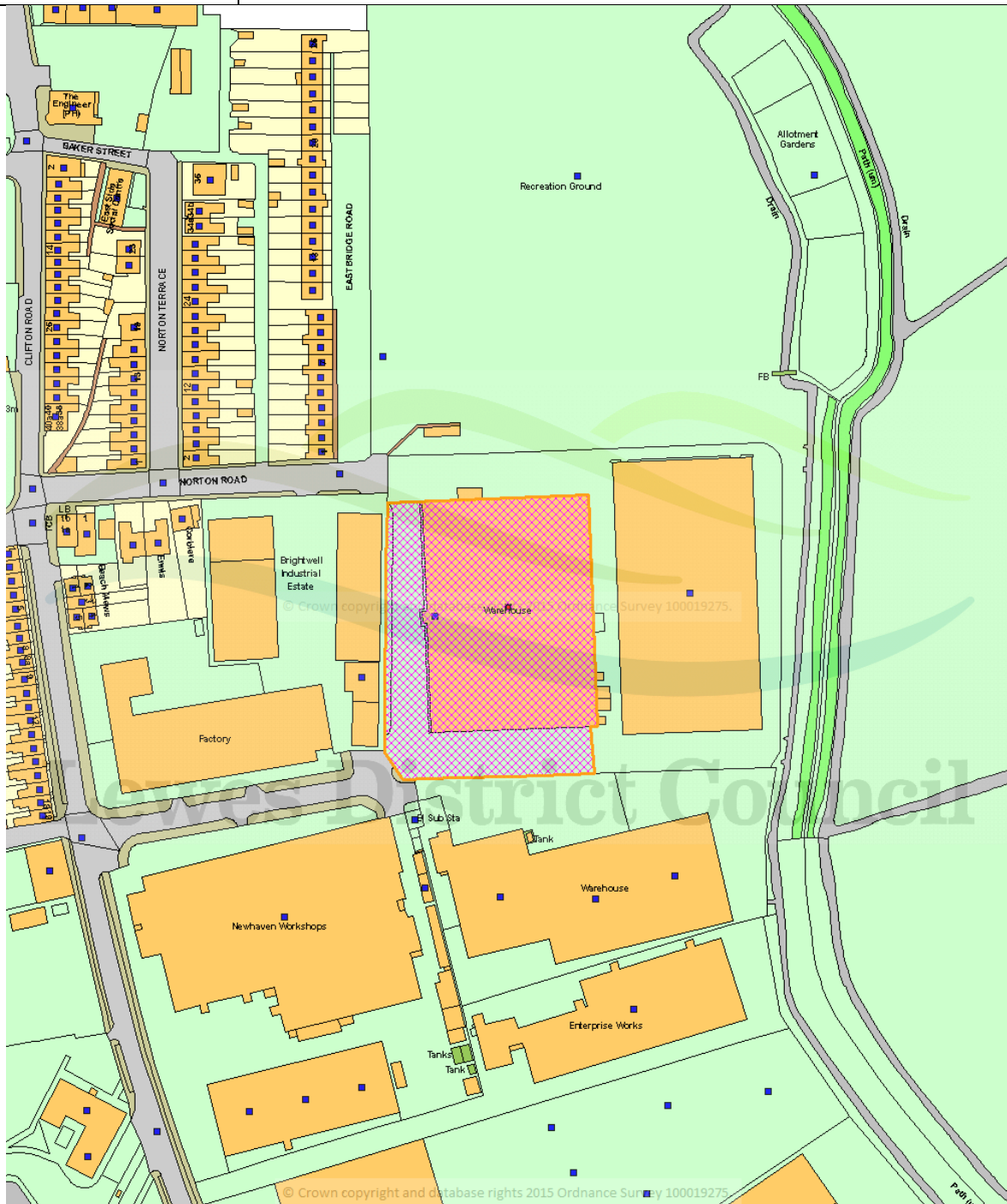
The two statutory purposes of the South Downs National Park designations are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes. Government policy relating to national parks set out in National Planning Policy Framework and Circular 20/10 is that they have the highest status of protection in relation to natural beauty, wildlife and cultural heritage and their conservation and enhancement must, therefore, be given great weight in development control decisions.

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APPLICATION NUMBER:	LW/16/0831	ITEM NUMBER:	6
APPLICANTS NAME(S):	KSD Group Ltd	PARISH / WARD:	Newhaven / Newhaven Denton & Meeching
PROPOSAL:	Planning Application for Mixed use development of 80 new dwellings (consisting of 1, 2 and 3 bedroom flats, a proportion of which will be affordable) and 600m2 of B1 floor space, associated vehicle parking and hard/soft landscaping		
SITE ADDRESS:	Reprodux House Norton Road Newhaven East Sussex BN9 0BZ		
GRID REF:	TQ45 01		



1. SITE DESCRIPTION / PROPOSAL

SITE DESCRIPTION

1.1 The application relates to a large warehouse/industrial building measuring 49m x 76m, which is approximately two storeys in height and has a floor area of some 3729 square metres. The building is part of a site of some 13780 square metres, which includes a second warehouse having a floor area of 4130 square metres, and a narrow, four storey former office block that was formerly ancillary to the primary use of the site for industrial/warehouse purposes but which has since been converted to residential use via the Prior Approval procedure (ref. LW/15/0417). There are two access roads to the site: Beach Close, which is a predominantly industrial access road; and Norton Road, which bounds four rows of terraced housing to the north of the site. To the south and the west of the site there are industrial uses and to the east lies a large warehouse, beyond which is a drainage ditch which forms the boundary of the Tide Mills Site of Nature Conservation Interest (SNCI). This provides a habitat for protected species including the Great Crested Newt. Beyond the ditch is the "Eastside" site which has permission for housing and, formerly, for a retail superstore.

1.2 The application site is within the defined Planning Boundary and is located on the east side of Newhaven within an established industrial area off Beach Close and accessed via Beach Road. The buildings are not listed and the site is not in a Conservation Area. The planning history for the site indicates that the structures date from the late 1970s and were built for general industrial purposes (B2) for the manufacturing of furniture. Subsequently the site has been used for storage and distribution (B8) and in 2013 approval was granted for the use of the site for waste management (Sui Generis). The site is currently used for salt storage.

PROPOSAL

1.3 The application seeks full planning permission for a mixed use re-development of this industrial site with 80 new dwellings and 600m² of B1 floor space, associated vehicle parking and hard/soft landscaping. The north elevation of the building will front the Eastside Recreation Ground whereas the western side of the site is bounded by Bevan Funnell house, comprising 32 flat's; a bus depot to the south; and to the east public footpath 3c and a stream, beyond which lies the Eastside site benefiting for outline planning permission for 190 new houses (ref. LW/11/0634). The building would be five-storey, with the top floor set back from the elevations of the lower floors.

1.4 The residential element will comprise 27 x 1-bedroom flats, 47 x 2-bedroom flats and 6 x 3-bedroom flats, representing a 34%/59%/6% split. Of these 80 units, 32 are proposed to be affordable, which equates to 40%. The applicant proposes that all will be for social rented, but this will be negotiated by way of a S106 Agreement.

1.5 Car parking is to be provided on the ground level beneath the upper floors. 80 car parking spaces are proposed, of which 6 will be of a suitable size for disabled users, along with 6 motorcycle parking bays. 20 car parking spaces are proposed along the southern boundary of the site, for the commercial space proposed. Furthermore, secure parking for 44 bicycles is proposed together with cycle parking for 3 bicycles for the commercial and visitor use cycle parking.

1.6 In terms of design and layout the development will have an H-shaped footprint to the upper floors, with landscaped courtyards over the roofed areas above the ground level parking and servicing area.

1.7 The external walls are to be finished using local Sussex facing brick with blue brick detailing, and there will be inset sections to add visual interest using a Flemish bond using red/brown weathered multi-brick slips with blue/brown headers to the recessed panels.

1.8 The inner facing elevations around the courtyard gardens will be Sussex facing brick and white render.

1.9 The top floor will form a recessed attic storey set back from the floors below and having an external amenity terrace all the way around. The materials and finishes will be predominantly glazing and metal cladding in a light metallic bronze colour, to give a lighter appearance and, together with the recessed position, to reduce the visual bulk and massing of the top storey, and provide deep window reveals that will act as solar shading in the summer.

1.10 This application is a revised submission following the refusal of a previous planning application, LW/16/0461. The previous application sought planning permission for the proposed demolition of the existing industrial building and for the construction of a six storey building comprising 108 residential units, including 40% affordable housing, and 300 square metres of Class B1 Light Industrial/Office floor space. This application was refused for 5 reasons including loss of employment floor space within an established industrial area; the scale, proportions, bulk and massing of the development appearing incongruous and unduly dominant and out of character with the site context; insufficient information and details of mitigation measures in respect of Air Quality, noise, disturbance, fumes and smells that future residents may be susceptible to; insufficient information in respect of surface water runoff; and increased vehicular trips leading to congestion.

2. RELEVANT POLICIES

LDLP: – CT01 – Planning Boundary and Countryside Policy

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – SP1 – Provision of Housing and Employment Land

LDLP: – SP2 – Distribution of Housing

LDLP: – CP1 – Affordable Housing

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP4 – Economic Development and Regeneration

LDLP: – CP7 – Infrastructure

LDLP: – CP9 – Air Quality

LDLP: – CP10 – Natural Environment and Landscape

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP12 – Flood Risk, Coastal Erosion and Drainage

LDLP: – CP13 – Sustainable Travel

3. PLANNING HISTORY

P/55/0070 - Use of land for industrial development. - **Refused**

P/59/0128 - Wholesale food distribution depot and store - **Approved**

P/60/0032 - Outline Application for erection of single storey depot buildings. - **Approved**

P/60/0037 - Outline Application for use of land for industrial development class X. - **Approved**

P/62/0142 - Warehouse and distribution centre and offices. - **Approved**

P/63/0025 - Construction of new warehouse and distribution centre and offices. - **Refused**

P/72/1090 - Application for proposed generator housing. - **Approved**

P/73/0191 - Proposed alterations to front porch. - **Approved**

P/74/0034 - Change of use to include Class 1 for Retail, Cash & Carry, Wholesale distribution of Fresh and non- food products. Parking provision for 270 cars. - **Not Proceeded With**

LW/75/0041 - Outline Application for extension to existing warehouse Restrictive Planning Condition No.1. - **Approved**

LW/76/1743 - Fuel Tank for heating oil - **Approved**

LW/77/0838 - Erection of factory for the manufacture of furniture. Decision by ESCC. Restrictive Planning Condition No. 6. *see also restrictive condition No 2 imposed by Industrial Development Certificate 3A/5/73/77 - **Referred to County**

LW/77/1538 - Illuminated sign - **Approved**

LW/78/0027 - Erection of cyclone dust extractor - **Approved**

LW/86/0635 - Non-Illuminated factory location sign - **Approved**

LW/90/0099 - Erection of two water storage tanks and associated generator/pump house - **Approved**

LW/93/0407 - Erection of first floor offices. - **Approved**

LW/93/1234 - Section 73(A) retrospective application for the retention of 18 x 30 diameter chimney flues for various extraction purposes and two replacement air units sited thro/on factory roof. - **Approved**

LW/97/0548 - Erection of six roof ventilators in Factory B - **Approved**

LW/08/0491 - Change of use of unit from B2 (general industrial) to class B8 (storage and distribution) - **Approved**

LW/12/0895 - Change of use of existing building (B2/B8) to a Materials Recycling Facility (MRF) - considered to be a waste management (sui generis) use - **Approved**

LW/15/0417 - Change of use from offices (B1a) to residential (C3) – **Prior Approval Given**

LW/15/0698/CD - Discharge of conditions 1 & 2 relating to planning approval LW/15/0417 - **Approved**

LW/16/0438 - Conversion of ground floor office space to eight residential units -

LW/16/0461 - Mixed use development of 108 new dwellings (consisting of 1, 2 and 3 bedroom flats 40% of which will be affordable) and 300 square metres of B1 floor space, associated vehicle parking and hard/soft landscaping - **Refused**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Environmental Health – No objection

Noise/Odours

4.2 On balance we have concerns that the National Planning Policy statements regarding noise and in particular whether the development would prejudice the longer established local businesses if those businesses generate noise, which impacts on future residents of the block.

4.3 Should we receive complaints from future residents of noise, odour or diesel fumes; we will be obliged to investigate as required by the Environmental Protection Act 1990. Although we may find that a statutory nuisance exists we are unlikely to be able to seek resolution or further improvements to how the local businesses operate. Companies may argue that they are using Best Practicable Means defence.

4.4 It is possible that the interior environment can be hermetically sealed using appropriate technology, the details of which should be secured by conditions including: contaminated land; verification report; long-term monitoring; and unsuspected contamination, as well as noise, odour and fume protection measures.

Site Management

4.5 Conditions are recommended in order to secure a Construction Environmental Management Plan and a Wheel Cleaning Facility.

Air Quality

4.6 In terms of the impact of the development on air quality in and around Newhaven, this is difficult to assess and confirmed by the findings of the Phlorum report submitted with the application.

4.7 The purpose of the Sussex Air Quality guidance is to identify and ensure the integration of appropriate mitigation into development schemes at the earliest stage. Given that such developments are likely to give rise to a cumulative impact on air quality, we would expect that such development would be seeking to provide compensation for these air quality impacts through a Section 106 agreement.

4.8 A sum of money should be obtained through the Section 106 agreement to be used to offset the impact of the development on air quality in Newhaven. Such funds could be used to develop a Car Club in the east side of Newhaven. Consideration should be given to providing a suitable car parking space within the development where such a vehicle could be parked but accessed by others living in a working within Newhaven. The sum of money would enable car club vehicle be installed including the appropriate signage, publicity and operation for 2 years in order that the car club can become self-funding after that period.

Contaminated Land

4.9 The property in question is currently occupied by Reprodux House forming warehousing associated with a former furniture factory. The factory was previously located immediately to the east of the warehouse with administrative offices adjacent to the west. The furniture factory previously held an environmental permit for timber treatment. In addition, historic mapping indicates a grocery depot was noted on site in the 1970 map edition, later labelled as a warehouse in 1972 (see mapping below).

4.10 Due to the potentially contaminative historical uses of the site and immediate surrounding area, and as a result of the residential nature of the proposal, we recommend that the following conditions are attached to any planning permission: contaminated land; verification report; long-term monitoring; and unsuspected contamination.

4.11 ESCC Highways – No objection

4.12 Given the existing and potential use of the site, the proposed use for 80 dwellings and 600 square metres of B1 employment space will not generate a significant increase in traffic.

Access

4.13 The application indicates that the existing access onto Beach Close would be utilized and improved within the limits of the highway. The access arrangement is shown to be altered to provide an access which is of sufficient width to cater for a two way flow of traffic. Swept path tracking for a refuse vehicle of 11.2m has been provided which is acceptable in this instance. There will be a separate access point into the site to the right of the vehicle access for pedestrians. In order for pedestrians from this site to safely reach the local facilities [including schools, bus stops and railway station] the footways in Beach Close need to be provided/improved to ensure the site is sustainable. Therefore a 1.2 metres wide footway on the northern side of Beach Close and 2 metres wide footway on the southern side are required together with dropped kerbs/tactile paving across the western end of Beach Close.

Trip Generation

4.14 The applicant has assessed the trip rates for both the existing and proposed uses using the TRICS database. These conclude that this development would generate an increase of 15 vehicular trips during the AM peak and 5 in the PM peak. Given the existing and potential use of the site the proposed use would not generate a significant increase in traffic. This proposal would also take away some large vehicles from using the site overall which is welcomed. Therefore the overall trip generation to the site is acceptable.

Visibility

4.15 The site lies within the 30mph national speed limit whereby the visibility splay distances should be 2.4m x 43m which is the desirable distance recommended in Manual for Streets. The access is remaining in its existing position as a continuation of Beach Close the visibility is acceptable. The visibility at the junction of Beach Close with Beach Road is to recommended standards.

Parking/Turning Provision

4.16 20 car parking spaces would be provided for the B1 commercial use and are shown to be on the southern boundary of the site. The residential element would be provided with 80 unallocated car parking spaces. The applicant has also made provision for 6 disabled spaces and there are areas for motorcycles within the parking layout. The number and layout of these spaces [commercial and residential] are in accordance with East Sussex County Council's Parking Guidelines [October 2012].

4.17 Cycle parking is to be provided for both the residential and commercial element which are in accordance with ESCC's cycle parking guidelines and therefore acceptable as shown. The amended plans also now include showers within the commercial element which would enable [and encourage] employees who to cycle to work to refresh themselves.

Demolition/Construction

4.18 Given the location of the development a Construction Traffic Management Plan would need to be provided and agreed prior to commencement of development. This would need to include routing of vehicles, signage, timing of deliveries and management of workers vehicles to ensure no on-street parking occurs during construction. This should be included in a Section106 agreement or as a condition of any planning permission.

Travel Plan

4.19 Given the size of the development a full Travel Plan and Travel Plan Audit Fee of £6,500 is required to encourage non-car modes of transport. The travel plan submitted with the application is entitled "Interim Travel Plan" this is deemed to be a Preliminary Draft Travel Plan by ESCC and therefore incentives etc. will need to be agreed upon the production of the Draft Travel Plan which will be secured through the section 106 Agreement.

4.20 The off-site highway works would need to be secured through a section 106 agreement with the detailed design to be agreed through the S278 Highway Agreement procedure with East Sussex County Council. The section 106 Agreement would also need to include the Travel Plan, Travel Plan Audit Fee and Traffic Regulation Order Contribution in addition to the section 106 requirements.

4.21 Southern Gas Networks – No objection - standing advice

4.22 Housing Needs And Strategy Division – No objection

Number of affordable dwellings

4.23 32 affordable dwellings are proposed for the development. Core Policy 1 of the Lewes District Local Plan Part 1 - Joint Core Strategy (2016) states that 'A district wide

target of 40% affordable housing, including affordable rented and intermediate housing, will be sought for developments of 11 or more dwelling units. 40 per cent of 80 dwellings equates to 32 affordable units (.4 x 80 = 32). Therefore, we are satisfied with the number of affordable units to be included in the overall development.

Dwelling mix

4.24 *'The proposed mix of the total amount of accommodation is 34% one bed apartments, 59% two bedroom apartments and 6% three bedroom apartments.'* We normally seek a relatively high proportion of 2 bedroom dwellings in line with the needs of the District. We are therefore generally happy with the proportion of 2 bedroom dwellings proposed overall for this site.

Tenure split

4.25 The guideline affordable housing tenure split is generally 75 per cent affordable rented and 25 per cent intermediate (shared ownership). However, all 32 affordable units are to be Social Rented Housing. Having said this, we are still awaiting Government guidance regarding Starter Homes, which may affect the tenure split going forward. Starter Homes are to be included in the definition of affordable housing. The Government is proposing a level of Starter Homes (yet to be specified) on all 'reasonably sized' developments. We may therefore require discussions concerning Starter Homes as well as the tenure split.

Size of dwellings

4.26 We are generally satisfied with the internal floor areas/dwelling sizes on the overall development.

4.27 Natural England – No objection

Protected species

4.28 Natural England has published Standing Advice on protected species.

4.29 Sussex Police – No objection

4.30 No major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

4.31 Southern Water Plc – No objection

4.32 Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

4.33 The results of an initial desktop study indicate that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. A formal application for connection to the public sewerage system is required in order to service the development.

4.34 Informatives and conditions are recommended.

4.35 ESCC SUDS – No objection

4.36 The drainage proposals involve the discharge of surface water runoff into an existing outfall connecting to a tributary of the Newhaven Sewer, which is a designated main river. Based on the existing drainage information submitted, this outfall is one of four serving the site. There is no evidence that this outfall is in a condition, or has the capacity, to accept all the surface water runoff from the site.

4.37 The applicant should undertake additional investigations into the condition and capacity of the pipe to received surface water runoff from the development.

4.38 Conditions to ensure surface water runoff from the development is managed safely.

4.39 LDC Regeneration & Investment – No objection

4.40 The proposed development does have some fit with both LDC's Regeneration Strategy and the new Enterprise Zone status affecting the site. The level of new employment provision is, however, at a level lower than we originally envisaged.

4.41 Nevertheless, the applicant has discussed the application in detail with LDC's Regeneration & Investment team, providing commercially sensitive information and a robust independent assessment that highlights why no additional employment-generating commercial provision can be made. Having reviewed this information, we accept the assumptions made by the applicant and withdraw our previous objection.

4.42 In summary, LDC's Regeneration & Investment team has engaged in constructive dialogue with the applicant to ensure that employment-generating provision is maximised. Whilst we note the limited level of commercial floorspace proposed, we recognise that there will be net gains to the local economy as well as provision of some affordable housing to meet identified local needs. Accordingly, we withdraw our objection to this application, but retain our concerns over the limited level of commercial floorspace when set against the site's previous employment use.

4.43 Main Town Or Parish Council – Newhaven Town Council raised the following objections

4.44 There is an unacceptably high density in terms of number of dwellings and this will adversely affect the nature of this community.

4.45 The buildings overall height, bulk and mass is visually overbearing which will mean loss of privacy.

4.46 Proposed parking is insufficient, inadequate for the number of dwellings.

4.47 This will impact on the amount of traffic in the area and the roads will not be able to cope, congestion is a major issue on a daily basis.

4.48 There are concerns about the increase in pollution levels; this will impact on the costs of health in the local community.

4.49 A development of this size will impact on the local facilities, such as schools, local doctors, police and public transport.

4.50 There are also concerns about flood risk in terms of surface water management.

4.51 Coast to Capital LEP

4.52 Coast to Capital LEP are writing to support the referenced application for the 'Mixed use development of 80 new dwellings (consisting of 1, 2 and 3-bedroom flats, a proportion of which will be affordable) and 600m² of B1 floorspace, associated vehicle parking and hard / soft landscaping at Reprodex House, Norton Road, Newhaven, East Sussex'.

4.53 In partnership with Lewes District Council we successfully bid for an Enterprise Zone across eight sites in Newhaven. As part of this bid a vision for the development and regeneration of the town was set out, in which we see Newhaven as having the potential to be the fastest growing business location in the South East. Being within the boundaries of the Enterprise Zone the redevelopment of Reprodex House aligns with this strategy.

4.54 We believe that this application will help drive that development and regeneration in the town which will make it a more attractive proposition for business, workers, and residents. We welcome the mixed use of the site for employment space and housing, and in particular that a proportion of the housing will be affordable. Furthermore we support the assessment of the Lewes Regeneration and Investment team who have also written in support of the application and note the applicant's positivity and willingness to revise their plans based on discussions with the team.

5 REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 Hon Maria Caulfield MP has submitted a representation in support of the application stating,

5.2 *"...The applicant has responded to the Council's concern about the height and massing of the development by removing a storey off the new building and introducing other amendments which has resulted in a reduction of 27 flats....the office element has increased to 600 square metres.*

5.3 *I would like to support this application as it brings forward further regeneration of the east side of Newhaven which is one of the key economic priorities and drivers for the District Council. New housing and improved employment opportunities are both urgently needed in the town and I note that the applicant has already converted the former adjacent office building (Reprodex House) to residential and recently completed the refurbishment of the nearby redundant port authority office building for accommodation for staff working on the Rampion off shore wind farm....*

5.4 *....I am encouraged by the positive steps being taken by investors in helping to regenerate Newhaven and also recognise the importance of the District Council in supporting well designed scheme such as the revised proposals for the Beach Close site."*

5.5 Cllr Bill Giles has submitted a representation objecting to the application for the following reasons:-

- Impact on community;
- Insufficient parking;

- Bulk, dominant and over-development;
- Loss of industry;
- Impact on the local roads including Norton Road and the A259;
- Impact on air quality;
- Sewage and drainage.

5.6 Copies of a pre-written letter of objection have been received from 33 (mainly local) households making the following comments:-

- Loss of employment land
- Insufficient parking
- Traffic impact
- Impact on A259
- Impact on local facilities including schools, doctors' surgeries and police
- Incongruous
- Harmful to nature of community

5.7 Individual representations have been received from four local households, objecting to the application for the following reasons:-

- Over development
- High density
- Incongruous design
- Out of character
- Height, bulk and mass
- Subsidence risk
- Contrary to policy
- Effect on wildlife
- Loss of open space
- Waste water, sewage and drains improvements
- Flooding and flood risk
- Lack of infrastructure
- Impact on local facilities
- Overbearing building/structure
- Noise from residents
- Smell/fumes
- Pollution levels
- Impact on air quality
- Overlooking, loss of privacy
- Anti-social behaviour
- Loss of employment space
- More affordable housing is needed
- Social housing
- Insufficient information
- Parking issues
- Traffic generation
- Traffic on A259

6 PLANNING CONSIDERATIONS

6.1 The principal considerations in the determination of the application include the principle of development; the appearance and visual impact; the impact on amenity; flooding, biodiversity and protected species; sustainability and accessibility.

Principle of development:

6.2 The proposed development will result in the loss of 3429 square metres of general industrial and warehouse floor space, which is a significant loss of employment land. However, the specific current use for the storage of salt does not provide for a high level of employment notwithstanding the size of the site. The application proposes 600 square metres of replacement Light Industrial/Office floor space, which is twice as much as proposed as part of the previous planning application, LW/16/0461.

6.3 Core Policy 4 of the Joint Core Strategy is applicable, and states that existing employment sites will be safeguarded unless there is demonstrable economic viability or environmental amenity reasons for not doing so.

6.4 The Regeneration and Investment team has been privy to a financial viability assessment submitted by the applicant, which contains commercially sensitive and confidential information. This marketing and viability data is sufficient to demonstrate that the provision of a greater amount of B1 floor space would render the whole scheme as being unviable. In this regard the Regeneration and Investment team accepts the information, and whilst feels disappointed with the proposed levels of employment space, accepts the situation and raises no objection. As such the proposed level of B1 employment space to be incorporated into the scheme is acceptable.

6.5 The application site is not allocated for housing in either the Local Plan Part One: Joint Core Strategy, or in any Site Allocation and Development Management Policies DPD, or Neighbourhood Plan. The site is located within a well-established industrial area and is bounded on three sides by commercial activities being undertaken in two and three storey scale industrial buildings. The site lies within the Planning Boundary and the adjoining four storey building, Bevan Funnell House, has been converted to flats previously. In consideration of the fact that an acceptable amount of employment space is to be retained as part of the development, the residential use proposed is also acceptable in principle, as part of a mixed use scheme. The site will help to meet housing supply demand in the district and, subject to necessary conditions to safeguard the future occupiers from adjoining industrial uses, will be acceptable.

Appearance and visual impact:

6.6 The proposed design detailing and the palette of external materials and finishes is considered acceptable and previous concerns in relation to the height and scale of the new building have been addressed by removing one storey from the development, which has led consequently to a reduction in the number of residential units proposed from 108 to 80.

6.7 The area is characterised by two to three storey industrial buildings and warehouses with a variety of pitched and flat roofs and the terraced housing north of Norton Road is two-storey, with some properties having converted attic spaces with dormer roof extensions. The converted former offices known as Reprodux House, which adjoin the application site, are four storeys in height and represent one of the taller structures in the locality, albeit a relatively narrow building.

6.8 The application site is not readily visible from the western side of the River Ouse and whilst the development will be partially visible from the east, from Tide Mills and the

Buckle By-Pass, these views will be filtered through trees and the new building will be far less prominent in long views now that a storey has been removed.

6.9 It is also recognised that there is medium-rise residential development on the opposite side of the River Ouse in the western part of Newhaven, such as at West Quay.

Amenity:

6.10 The layout of each of the proposed flats is acceptable and in terms of floor space, whilst the document is not adopted by the local planning authority, the flats generally meet or exceed the National Space Standards set out by the Government in March 2015.

6.11 There will be a gap of 20m between the rear elevation of Reprodex House (which is blank) and the westerly facing flats in the proposed development. This is sufficient to ensure future residents do not experience loss of light or an overbearing impact. There will also be a 45m gap between the north and south blocks of the new development and this will ensure there is no mutual overlooking within the new development itself.

6.12 Turning to the impact on neighbouring properties, the nearest residential homes are in Eastbridge Road, the back gardens and rear elevations of which are at least 31m and 38m from the application site respectively. This is sufficient distance to preclude significant overlooking and loss of light. The north elevation of the proposed development will have an outlook across the Eastside Recreation Ground.

6.13 Permitting noise sensitive development, such as housing, in such close proximity, may prejudice the continued viability and vitality of neighbouring industries, which have been operating without needing to moderate their activities. To do so would be contrary to the national planning policy contained in the NPPF. These matters together with the potential issue of odours emanating from nearby uses have been raised by Environmental Health and the applicant has provided technical reports, clarification and details of proposed mitigation measures.

6.14 The position of Environmental Health is that whilst the development can be safeguarded from potential noise using special glazing and means of mechanical ventilation, this needs to be subject to long-term maintenance to secure their continued functioning. The bus depot use opposite the application site is subject to planning conditions which control the amount of noise and studies submitted by the applicant in respect of fumes and odours appear to demonstrate that levels are low and will not adversely affect future occupiers' levels of amenity.

6.15 The site is not located within an Air Quality Management Area (AQMA) but the applicant has submitted an assessment of the impact of fumes and emissions resulting from the travel movements of future residents' vehicles because in order to travel to and from the site by car, residents will need to use the ring-road and the A259, which are within the Air Quality Management Area and hence will be impacted by additional traffic from the proposed development.

6.16 The applicant's submission has been influenced by the Sussex Air Quality guidance document, which also lists suitable mitigation measures. In this case the proposals seek to improve pedestrian connectivity of the site by upgrading the highway where the site joins Beach Close; provision of an appropriate level of secure cycle parking; and an agreement in principle to securing a Car Club parking space within the development. These measures, combined with the close proximity of the application site to Newhaven Harbour and Newhaven Town mainline railway stations and bus routes are considered sufficient to provide future residents with a choice as to how they travel, which

in turn should help to reduce additional emissions within the Air Quality Management Area resulting from the proposed development.

Flooding, biodiversity and protected species

6.17 The application site is near to a Site of Nature Conservation Interest where there are known to be Great Crested Newts inhabiting a nearby ditch, separated from the site by the warehouse/factory to the east of the application site, which is to remain. The Great Crested Newts are a protected species. Whilst Natural England raises no objection, the standing advice states that a survey should be carried out if there is a water body within 500 metres of the development and Great Crested Newts are recorded historically. However, the standing advice also states that areas may be excluded from survey if the newts are highly unlikely to be present, for example because the habitat is unsuitable or if the planned activity or development will not affect the newt population because, for example, the newts are separated from harmful activities by a barrier that the newts cannot cross.

6.18 In this instance the application site is not likely to have been inhabited by Great Crested Newts due to the nature of the industrial use for salt storage. In addition, there is a neighbouring warehouse/industrial unit between the application site and the ditch and it is unlikely that Great Crested Newts will have crossed this site. As such the impact of the proposed development on the nearby Great Crested Newt population is not likely to be significant.

6.19 Should this turn out not to be the case, the applicant will need to apply for a licence from Natural England regardless of the outcome of the current planning application.

6.20 In terms of flood risk it is noted that the application site is within a Flood Zone 2 which represents a medium risk of flooding. It is noted from that plans that the applicant is not proposing any residential units on the ground floor of the development as this will be allocated to parking. This will also help to safeguard life and property by putting the residential units at a higher level and meet the requirements of the Environment Agency. The Lead Local Flood Authority (ESCC) has raised concerns in respect of the capacity of existing infrastructure to handle surface runoff water. Further details of the existing provisions and, if necessary, enhancements to the capacity of the existing infrastructure, are required and these can be secured by imposing a condition. It should be noted that the existing site is predominantly hard surfaced and the proposed development will incorporate both landscaping and an up-to-date method for surface water runoff.

Sustainability and Accessibility:

6.21 The proposed development will attract a CIL liability which, in accordance with the Council's published 123 Regulations, will go towards general infrastructure improvements across the district, including schools and transport.

6.22 The application site is close to the centre of Newhaven and is in an accessible location.

6.23 There are frequent bus routes along the south coast within walking distance of the application site as well as access to the mainline railway network from Newhaven Town station. The highway authority has been consulted and states that the levels of car parking proposed within the site are acceptable and meet requirements.

6.24 The applicant has submitted details of refuse and recycling storage together with provision and tracking for access into the site by large refuse collection vehicles.

Heads of Terms/S106 Agreement

- 40% affordable housing
- Contributions towards highway works
- Provision of a car club parking space
- Funding to provide a car club space prior to the first occupation of the residential units, to be maintained and financed by the applicant for a minimum of 2 years following occupation of the last residential unit.

7 RECOMMENDATION

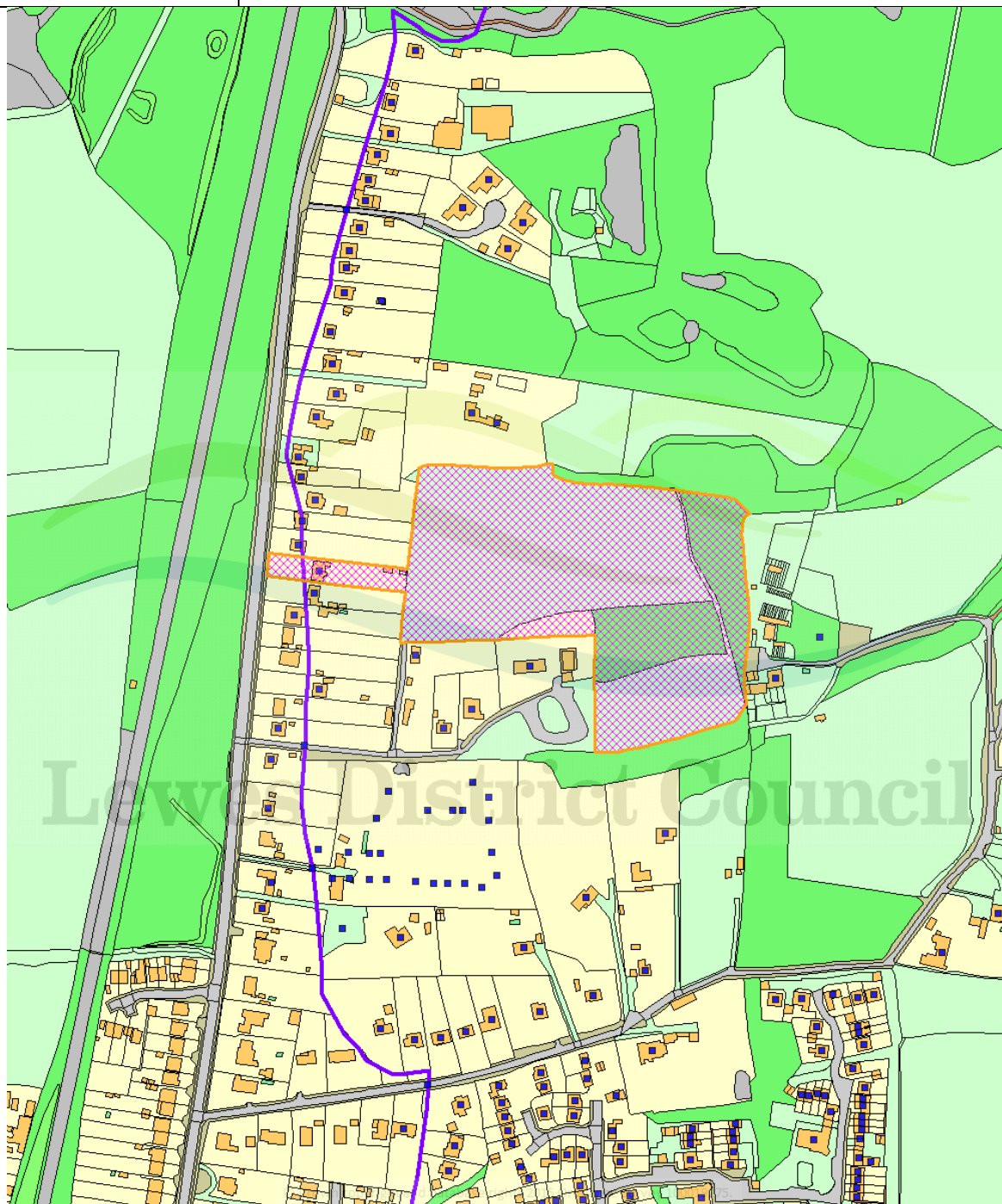
The planning permission is granted subject to conditions and completion of the S106 Agreement.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Existing Floor Plan(s)	19 October 2016	105
Existing Floor Plan(s)	19 October 2016	106
Existing Floor Plan(s)	19 October 2016	107
Existing Floor Plan(s)	19 October 2016	108
Biodiversity Checklist	29 September 2016	
Landscaping	29 September 2016	02-616-001 REV A
Landscaping	29 September 2016	02-616-002 REV A
Landscaping	29 September 2016	02-616-004 REV A
Location Plan	29 September 2016	101 REV C
Proposed Layout Plan	29 September 2016	102 REV C
Existing Block Plan	29 September 2016	103 REV C
Proposed Block Plan	29 September 2016	104 REV C
Proposed Floor Plan(s)	29 September 2016	110 REV E GF
Proposed Floor Plan(s)	29 September 2016	111 REV E 1F AND PODIUM
Proposed Floor Plan(s)	29 September 2016	112 REV E 2F
Proposed Floor Plan(s)	29 September 2016	113 REV C 4F
Proposed Roof Plan	29 September	117 REV C

	2016	
Proposed Floor Plan(s)	29 September 2016	118 REV A 3F
Existing Elevation(s)	29 September 2016	120 REV B NORTH AND WEST
Existing Elevation(s)	29 September 2016	121 REV B SOUTH AND EAST
Proposed Elevation(s)	29 September 2016	122 REV C NORTH AND SOUTH
Proposed Elevation(s)	29 September 2016	124 REV C NORTH
Existing Section(s)	29 September 2016	130 REV B A-A B-B
Illustration	29 September 2016	150 REV A
Proposed Elevation(s)	29 September 2016	160 REV A BAY DETAIL
Design & Access Statement	29 September 2016	2824 BEACH CLOSE REV A
Transport Assessment	29 September 2016	160503/KSNEWH
Flood Risk Assessment	29 September 2016	14602/02/FRA
Noise Detail	29 September 2016	2887_001R_3-0_JB

APPLICATION NUMBER:	LW/16/1040	ITEM NUMBER:	7
APPLICANTS NAME(S):	Thakeham Homes Ltd	PARISH / WARD:	Wivelsfield / Chailey & Wivelsfield
PROPOSAL:	Planning Application for Demolition of The Rosery and the erection of 55 residential homes, with associated access, car parking, cycle parking, refuse/recycling storage and landscaping		
SITE ADDRESS:	Land To The Rear Of The Rosery Valebridge Road Burgess Hill West Sussex RH15 0RT		
GRID REF:	TQ 32 20		



1. SITE DESCRIPTION / PROPOSAL

1.1 The application site lies on the eastern side of Valebridge Road, on the eastern edge of Burgess Hill. The large majority of the application site falls within Lewes District, within the Parish of Wivelsfield, with a very small slither at the western extremity falling within Mid Sussex District.

1.2 The application site is an irregular L-shape and extends to approximately 3.1 hectares. The site includes the entire property known as The Rosery, along with the majority of the land and garden currently associated with the property known as The Homestead.

1.3 The majority of the application site is undeveloped greenfield land currently used in association with The Homestead. Some of the land has been cultivated as a small vegetable plot and there is a small pig enclosure and chicken coop also on site. An area of the land to the east of The Homestead appears to be used for the storage of building materials and the remainder comprises mown grassed gardens and related paved areas.

1.4 The main northern boundary of the application site is bordered by a band of mature trees, some of which is designated as Ancient Woodland. This woodland extends along the eastern side of the application site and tapers to the south-eastern corner of the site. A large portion of this Ancient Woodland actually falls within the application site.

1.5 The southern boundary of the application site is also bordered by mature trees, the southernmost section being a thick wooded band that extends onto the neighbouring land. The mid-section is less densely treed with effectively a single line of trees marking the rear boundary with the neighbouring property, Valentine.

1.6 The main western boundary is shared with a number of properties fronting Valebridge Road. The boundary treatment along this side of the site is a mixture of fencing, hedging and vegetation.

1.7 Levels change across the site from the south sloping down to the north. There is a change in levels across the site in the region of 11 metres (45-46 AOD at the highest point, 35-37 at the lowest point).

1.8 Planning permission is sought for the development of the site with 55 dwellings. This is a full application with all matter submitted for consideration.

1.9 The submitted details indicate that the existing dwelling, The Rosery, will be demolished and a new access road brought in through this plot. This access road would then sweep along the southern side of the middle section of the site before turning southwards towards the far southern corner of the site. Small feeder roads extend off this main access road to provide a series of small cul-de-sacs.

1.10 The proposed development will deliver a range of 1, 2, 3 and 4 bedroom dwellings broken down as follows:

	Housing Type	1 Bed	2 Bed	3 Bed	4 Bed	Total
Private	House		8	17	8	33
Affordable	House		9	5		22
	Flat	8				
Total		8	17	22	8	55

1.11 This achieves the provision of 40% of the proposed dwellings as affordable units.

1.12 All of the dwellings would be two storeys in height and are generally of traditional design. The construction materials would be a mix of brick, painted brick and hanging tiles. With the exception of the proposed flats, all of the dwellings would have private garden amenity space. The flats would share communal gardens.

1.13 A total of 125 parking spaces would be provided on site, made up of a mixture of on plot garaging and driveway parking, courtyards and car ports, and 16 on street visitor spaces.

1.14 Along the southern edge of the mid section of the application site, a small Local Area of Play (LAP) is indicated. In addition the proposals show there to be a woodland walk through the Ancient Woodland that is to be retained along the eastern side of the application site.

2. RELEVANT POLICIES

LDLP: – CT01 – Planning Boundary and Countryside Policy

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – ST04 – Design, Form and Setting of Development

LDLP: – ST11 – Landscaping of Development

LDLP: – RES19 – Provision of Outdoor Playing Space

LDLP: – SP2 – Distribution of Housing

LDLP: – CP1 – Affordable Housing

LDLP: – CP1 – Affordable Housing

LDLP: – CP8 – Green Infrastructure

LDLP: – CP10 – Natural Environment and Landscape

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP12 – Flood Risk, Coastal Erosion and Drainage

LDLP: – CP13 – Sustainable Travel

LDLP: – WNPP1 – Development Boundaries

LDLP: – WNPP5 – Design

LDLP: – WNPP6 – Green Infrastructure & Biodiversity

3. PLANNING HISTORY

LW/78/1578 - Outline Application for replacement four bedroom chalet bungalow – Approved

LW/79/0600 - Planning Application for replacement bungalow – Approved

LW/80/1310 - Planning application for stables and haystore – Approved

LW/81/0121- Continuance of use without complying with condition 1 of planning approval LW/78/1578 (old bungalow to be retained as agricultural store and animal housing) – Approved

LW/99/1104 - Two storey side extension, garage and sun lounge - Approved

LW/16/0825 - Screening opinion in relation to development consisting of up to 80 dwellings - No EIA required.

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Wivelsfield Parish Council – Wivelsfield Parish Council wishes to object to the above application on the following grounds:

1. The proposal fails to comply with policy 1 of the Wivelsfield Neighbourhood Plan.
2. The proposal fails to meet policy 2 of the Wivelsfield Neighbourhood Plan, as it promotes a larger site than the Neighbourhood Plan supports, on greenfield land.
3. Local residents have significant concerns about:
 - a. The speed of the road: much of Valebridge Road is derestricted, meaning that cars come along it very fast causing a hazard for vehicles trying to turn out of driveways.
 - b. The poor state of the pavement along Valebridge Road - which would be subject to increased foot traffic from a development of this size.
 - c. Drainage - drains blocked with silt and building waste have contributed to flooding in the area.

Planning Policy Comments – This planning application should be considered against the policies of the adopted Lewes District Joint Core Strategy (JCS), together with the retained 'saved' policies of the Lewes District Local Plan 2003 (LDLP) as listed in Appendix 2 of the JCS. In accordance with the Cabinet resolution of 17th April 2012, only those 'saved' LDLP policies that are consistent with national planning policies are applicable to the determination of planning proposals in the district.

Whilst the application site is located outside of the settlement planning boundaries, as defined in the Policy CT1 of the LDLP, a minimum of 100 net additional dwelling units in this general location (i.e. the edge of Burgess Hill within Wivelsfield Parish) is identified in Spatial Policy 2 of the JCS in order to help meet the District's housing needs over the period to 2030. The site is well-related to existing residential development along Valebridge Road and is screened by mature trees and woodland on its other boundaries, thus limiting any negative landscape impact on the surrounding countryside.

In principle, therefore, residential development is acceptable in principle on this site. If we are confident that the proposed development meets the requirements of all other relevant planning policies, in particular the policies for housing (JCS Core Policies 1 & 2), green infrastructure and children's play space (JCS Core Policy 8 & LDLP Policy RES19), conserving and enhancing biodiversity (JCS Core Policy 10), design (JCS Core Policy 11 & LDLP Policies ST3, ST4, ST11) and sustainable travel (JCS Core Policy 13), then the application should be recommended for approval.

ESCC Highways – I do not wish to raise an objection to the principle of the proposed development as the traffic and accessibility implications primarily impact upon transport networks under the responsibility of West Sussex County Council. The vehicular access point into the site also involves connections to the highway network that fall within West Sussex. There is a wider impact issue underlying this proposal and it is recognised that there is likely to be residual cumulative impact filtered to the south into East Sussex villages, particularly Ditchling village. However, any contributions towards this would be covered by the Community Infrastructure Levy [CIL] in this instance.

However, I have some concerns which need addressing prior to any conditions being issued - see file for details.

ADDITIONAL COMMENTS: The applicant has provided additional information and amended plans which address the ESCC highway issues. I therefore do not wish to raise an objection to the proposed development and recommend that highway conditions to be included in any grant of consent – see file for details.

Tree & Landscape Officer Comments – No material objections are raised in relation to the preservation of important trees and woodland as they appear to be reasonably well incorporated in to the scheme. No material objections are raised in relation to the wider visual impact of the development because the site is considered to be well screened and reasonably well contained within a localised area.

The only adverse comments would relate to ensuring that hard surfacing is kept to a minimum and soft landscaping is targeted at the entrance to the site to try and soften the long linear feature.

It is recommended that a planning condition or s106 agreement is made to ensure that communal or shared areas, including the woodland areas are managed by a separate management company financed by local residents. This will require a plan which clearly defines communal area or management areas and a suitable management plan. See file for full comments.

ESCC SUDS (revised) - This response follows from our original response of 18 January 2017 in which we requested additional information. We received the additional information on 1 February 2017 and are now able to comment.

If the Local Planning Authority is minded to grant planning permission, the LLFA requests the following comments act as a basis for conditions to ensure surface water runoff from the development is managed safely:

1. The surface water drainage strategy outlined in the RGP Design Flood Risk Assessment (Ref 2016/D1178/FRA1.2) should be carried forward to detailed design. Surface water Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
2. The detailed design should include how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
3. A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site. This plan should clearly state who will be responsible for managing all aspects

of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.

4. Prior to occupation of the development evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Southern Water Plc – Please find attached a plan of the sewer records showing the approximate position of foul sewer and foul rising main within the site. The exact position of the foul sewer and foul rising main must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- No development or new tree planting should be located within 3 metres either side of the centreline of the foul sewer and foul rising main.
- No new soakaways should be located within 5m of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that noncompliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

Environmental Health – This proposal is for the demolition of The Rosery and the erection of 55 residential homes, with associated access, car parking, cycle parking, refuse/recycling storage and landscaping.

The site is bordered by residential properties to the south-west, south and west, north and north-west, with the main site access from Valebridge Road to the west. In addition the London to Brighton railway line is approximately 150m west. Following a review of the proposed plans of where the dwellings are to be located in relation to the above features, potential noise issues aren't considered to be significant at this distance.

However, based on the residential nature of the surrounding area, the construction phase should be carefully managed in order to limit the impact of the works to nearby residents. Therefore we consider that a Construction Environmental Management Plan (CEMP) is required to protect the amenity of the surrounding residential properties during the demolition and construction phases of the proposal.

Given the size of this development, East Sussex County Council will be assessing this development with regard to potential flood risk.

In the 1990's Lewes District Council was involved with Southern Water regarding incidents of flooding involving land drainage and foul water flooding issues to the south of the site. However, having reviewed the planning application and supporting information demonstrates that the land drains to the north and does not impact on the flow of water to the south.

Contaminate Land Officer - A desk study and ground investigation report (Geo-Environmental, Ref GE15496, dated November 2016) was submitted in support of the application. The report has been reviewed we are satisfied with the methodology used for the assessment of the site as well as the conclusions and subsequent recommendations.

Based on the findings from the ground investigation no further remedial measures are deemed necessary with regards to soil contamination and human health. A watching brief will be required as part of a discovery strategy to account for any unexpected soil conditions or contamination which may be encountered during the construction phase. Furthermore as a result of the initial ground gas assessment results we recommend the application is subject to conditions securing a verification and remediation plan, a verification report and a condition preventing works from continuing without remediation if any sources of unsuspected contamination are found.

Southern Gas Networks – No objection. General advice given in relation to working near gas pipelines. See file for details.

West Sussex County Council Highways – The site lies across East and West Sussex County borders, as well as the Mid Sussex and Lewes District Council boundaries. The vehicle access works and a short section of the access road are within West Sussex/MSDC, whereas the entire on-site layout is within East Sussex/LDC.

These comments only cover those aspects of the proposed development that affect the WSCC maintained highway network, namely the vehicle access and the potential capacity impacts upon WSCC maintained roads. These comments are also applicable to the corresponding planning application submitted for LDC (LW/16/1040).

A Transport Statement has been submitted in support of this proposal. It's noted that two sets of appendices are available on the Mid Sussex. However these both comprise the main body of the TS. A full version of the TS is though available on the Lewes DC website. This has been used in the preparation of this response.

The site is to be accessed by a new priority junction onto Valebridge Road. In the location of the access the posted speed limit is 60mph. A speed survey has though been undertaken to determine the actual 85th percentile traffic speeds. The use of recorded 85th percentile wet weather speeds is an accepted means of determining stopping sight distances for improvements (such as new accesses) onto existing roads rather than applying the actual speed limit.

The recorded 85th percentile speeds are 50.3mph northbound and 48.5mph southbound. It's unclear if these are wet or dry weather speeds. It is assumed that these are wet weather speeds as no adjustment has been applied to the recorded speeds (an adjustment to wet weather would in any case require the recorded speed to be reduced by approximately 2mph; applying the higher dry weather speeds would be more robust).

Given the speeds recorded, SSD requirements should be considered against the standards within the Design Manual for Roads and Bridges. Applying the braking and perception parameters from the DMRB, SSDs of 139 metres would be required to the north and 148 metres to the south. Such distances can be achieved within land forming part of the adopted highway from the proposed access.

The access arrangements have also been the subject of a Stage One Road Safety Audit. Whilst this raises two problems (both of which can be resolved by condition and through the detailed design), no in principle issues are raised with the principle or form of the vehicular access.

In summary, the proposed access is considered acceptable.

The proposed development will result in additional vehicle trips on the highway network. This has been estimated using TRICS. TRICS is a large database of traffic surveys of completed developments. The database can be refined so as to select only those developments comparable (in terms of use class, location, accessibility, etc.) to that proposed. Details of the selection parameters are included, although no details are included of the actual sites used.

The LHA has undertaken a comparison between the trip rate applied for the nearby development at Sunnybrae (BH/14/1673 and LW/14/0350) and those for the current proposal. The difference between the trip rates for the permitted and proposed developments is quite notable. The LHA in commenting upon the development at Sunnybrae recognised that the TRICS vehicle trip rate applied in that instance was very high. An independent TRICS assessment completed by the LHA for the trip rate applied for the current application suggests that this is more appropriate.

Based on the trip rates within the TS, the development is forecast to generate 26 two way movements in the AM and PM network peak hours. The impact has been considered upon the peak hours given that these are most sensitive to changes.

The WSCC Transport Assessment Guidance requires junctions to be assessed where a development is forecast to result in increased entry flows of 30 or more vehicle movements. Whilst the means of distributing traffic and anticipated increased traffic flows on the highway network are noted, given the level of vehicular trips generated, this proposal would not meet the criteria to require any off-site junction capacity assessments. The NPPF states that development should only be prevented or refused where the impacts would be severe. This proposal would not be expected to result in any capacity impacts that could be defined as severe.

The site is recognised as being on the periphery of Burgess Hill. It is accepted that walking and cycling have the potential to replace the use of the car for trips of up to 2km and 5km respectively. Whether trips are undertaken by these modes of course depends on the purpose of the trip. There are continuous walking routes to potential destinations, such as Wivelsfield train station and other local retail and education uses, some of these are though right on the limits of maximum walking distances. A wider range of facilities can be reached by cycling although there are no dedicated cycle routes available. Whilst there is a gradient for cyclists traveling into Burgess Hill, this is not considered a significant barrier. The location of the site has the potential to encourage trips by walking and cycling, and reduce dependency on the use of the private car.

In conclusion, the LHA are satisfied that this proposal would not give rise to any severe highway safety or capacity concerns. No highway objection would therefore be raised.

Conditions recommended.

Natural England – Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England.

ESCC SUDS – (original) - It is noted that the proposals are to restrict the surface water runoff rate to the Qbar greenfield runoff rate for the entire site. However, there are areas of the proposed development which would remain as open space and continue to contribute to surface water runoff. The greenfield runoff rate should instead be calculated for only the developable areas of the site which would be lower than the currently proposed discharge rate. Using the proposed rate would increase the amount of surface water runoff from the site and therefore the off site flood risk.

We request that the applicant recalculates the proposed surface water discharge rate for the site and revises the drainage design strategy accordingly.. This will increase the required surface water attenuation volume for the proposed development.

NHS Mid-Sussex/Horsham – Horsham and Mid Sussex Clinical Commissioning Group (CCG) are the GP led statutory NHS body responsible for planning, commissioning and monitoring the majority of local health services in the Horsham and Mid Sussex area. (CCGs having been created following the Health and Social Care Act 2012 and replaced Primary Care Trusts on 1st April 2013).

Horsham and Mid Sussex CCG cover the entirety of Mid Sussex District Council's catchment area and this proposed planning application borders Burgess Hill so that the residents/patients from this development are likely to register with nearby Burgess Hill GP surgeries.

The majority of existing surgeries in Burgess Hill have significant patient portfolios as a result of developments which have been constricted in and around the town since the 1980s therefore any further building will put pressure on NHS service delivery and we will need to reconfigure existing buildings so that they can more readily accept new patients.

Accordingly, we may consider making a future CIL bid once our requirements are known and indeed if this proposed development has a planning consent.

ESCC Archaeologist – The proposed development is of archaeological interest due to its location within a landscape that has seen human settlement and utilisation from at least the late Iron Age period. The application includes an archaeological desk based assessment, and the garden of The Rosery has been subject to evaluation excavation to identify any archaeological remains that may prohibit site access. The remainder of the site has not been subject to archaeological assessment and it is assumed that if significant

archaeological remains are identified in this area, the layout / design can be adjusted to preserve these remains in-situ.

The Historic Landscape Characterisation of Sussex defines this field as a surviving medieval assart field relating to Antye Farm.

The Rosery is a 20th century building of no architectural or historical merit.

In the light of the potential for loss of heritage assets on this site resulting from development the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded. These recommendations are in line with the requirements given in the NPPF.

Conditions recommended.

British Telecom – I write in response to your letter dated 18 December regarding the above and confirm that I have been unable to identify any land or buildings owned or occupied by BT or Telereal Trillium within the area you have indicated.

Please be aware that this advice does not extend to BT's telecommunications apparatus located in the public highway or under private land, nor does it include BT's deep level tunnels.

Sussex Police – The National Planning Policy Framework demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion, and with the level of crime and anti-social behaviour in Lewes district being below average when compared to the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

In general terms I support the proposed layout which, being a single access road leading to a series of small cul de sacs with no through route, will give residents a sense of ownership and community and will deter trespass. The orientation of the dwellings will allow for overlooking and good natural surveillance of the road and footpath layout, car parking areas, public open space and other communal spaces. Good provision has been made for car parking either in garages, within the curtilage of the dwellings or on small overlooked parking courts. Further provision has been made for the secure storage of cycles. I was very pleased to note that the accompanying Design and Access Statement includes direct reference to the measures being considered to create a safe and secure environment for this proposed development using the attributes of safe, sustainable places, and I am satisfied that the adoption of these measures will benefit any future residents.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 7 letters of objection received raising the following concerns:

- Existing surface water drainage pipe already flooding the land to the rear of Hawkesbury
- Only one access to the site via a very narrow access off Valebridge Road, will be dangerous
- Contractors vehicles parked on Valebridge Road will be dangerous
- Will make it difficult for us to exit our property

- Valebridge Road speed limit should be reduced from 60mph to 30 or 40 mph or a second road access provided for the development
- The quality of the pavement surface down Valebridge Road is appalling and dangerous. This should be reviewed in light of the increased footfall.
- Flooding has occurred recently as a result of drains being blocked by building waste
- We would like assurances that the clearance of drains will be reviewed and ongoing during the duration of the development.
- Number of houses is excessive and out of keeping
- Already huge increase in traffic as a result of the opening of the Haywards Heath relief road.
- Thakeham Homes have desecrated an ancient hedgerow on a site in Mid Sussex - can we be reassured that such a "mistake will not happen again?"

6. PLANNING CONSIDERATIONS

6.1. Planning law requires that all planning applications must be determined in accordance with the development plan, unless material circumstances indicate otherwise. The development plan for this area currently consists of recently adopted Joint Core Strategy, the retained policies of the Lewes District Local Plan 2003, and the recently adopted Wivelsfield Neighbourhood Plan.

Lewes District Local Plan

6.2. The application site falls outside of the planning boundary of Wivelsfield as defined by the Lewes District Local Plan and therefore is subject to policy CT1 which seeks to contain development within the defined Planning Boundaries, except in certain circumstances. Development of this site with 55 residential dwellings would not fall within any of the types of development listed as being potential exceptions to this policy and therefore the proposal would be in conflict with Policy CT1 of the Local Plan.

Lewes District Local Plan Part 1 - Joint Core Strategy (JCS)

6.3. The Joint Core Strategy (JCS) was adopted in 2016 and is the pivotal planning document for the District until 2030, forming Part 1 of the Local Plan setting out the overarching strategies that all other planning documents will need to be in conformity with.

6.4. The JCS has retained Policy CT1 of the Local Plan and as such it is considered that substantial weight can still be applied to this 'saved' policy.

6.5. Notwithstanding this the JCS also sets out the proposed housing delivery for the years 2010-2030, and Spatial Policy 2 (SP2) confirms the intended distribution of this proposed housing. Whilst Part 1 of the JCS allocates a number of large scale strategic sites, Policy SP2 confirms that individual sites to meet the remainder of the planned levels of housing provision will be identified in either the District Council's Site Allocations and Development Management Policies DPD i.e. Part 2, or the National Park Authority's Local Plan. Neighbourhood Plans are also noted as being used to identify the individual sites.

6.6. Under the planning distribution Policy SP2 notes that a minimum of 100 dwellings are to be provided at Burgess Hill (within Wivelsfield Parish).

6.7. The housing distribution set out by Policy SP2 was based on an approach that reflected the findings of the evidence base (including where the greatest levels of housing need are), the input from the consultation and engagement undertaken, and the findings of the Sustainability Appraisal process. The Council's Strategic Housing Land Availability

Assessment (SHLAA) forms part of this evidence base and provides an indication of the potential capacity of settlements to accommodate housing development.

6.8. The site the subject of this application was one of only a small number of sites identified by the SHLAA as being suitable, available and achievable for housing development at Burgess Hill (within Wivelsfield Parish) in this broad location.

6.9. On this basis, whilst it is accepted that the site is not currently allocated for development within the Development Plan, and that the SHLAA is not itself an allocations document, development of this site with 55 dwellings would accord with the broad distribution of Policy SP2 of the JCS and would help meet the District's housing needs over the period to 2030. Furthermore the site is well related to existing residential development. On this basis, there is no "in principle" objection to the development of this site as proposed.

Wivelsfield Neighbourhood Plan

6.10 Wivelsfield Parish Council has produced the Wivelsfield Neighbourhood Plan (WNP) to guide development in the parish until 2030. The plan allocates three sites for the development of up to 30 dwellings to meet the JCS's requirement for the delivery of a minimum of 30 net additional dwellings on new site allocations in and around the settlement (Wivelsfield Green) over the period to 2030 and development boundaries have been drawn to incorporate the allocated sites. Otherwise the planning boundary remains tightly drawn around the existing settlement of Wivelsfield Green. This site falls outside of the planning boundary as defined by the WNP.

6.11 However as stated above, the JCS also allocates a minimum of 100 new dwellings at Burgess Hill. In this respect the supporting text in relation to Policy 1 of the WNP that defines the planning boundaries states:

"5.10 The LDLP1 requires that the Low Weald villages (which cover this area) and their wider countryside retain and, where possible, enhance their attractive and distinctive character and identity. A small area of Burgess Hill lies within the Parish on its most western boundary and a small area of Haywards Heath lies within the boundary on its northern edge, given recent planning consents, whilst the towns are defined as a District Centre and Secondary Regional Centre respectively, the WNP makes no proposals for those areas.

5.11 Rather, the Parish Council and local community maintain their objections to the proposals of LDLP1 Spatial Policy 2 for a minimum of 100 homes at Burgess Hill within the Parish. That proposal is not considered sustainable with regard to its traffic implications for the local area and the impact of this scale of development on the integrity of the green gap between Burgess Hill and Wivelsfield. The proposal is unacceptable to the local community and therefore no provision is made for it in the WNP. Should the proposal remain in the adopted LDLP1 then a planning application should be considered in relation to Policy 5 of the WNP and to other relevant policies of the LDLP1"

6.12 Paragraph 184 of the NPPF is quite clear that "Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies. On this basis, whilst the proposed development of this site does not necessarily accord with the overall vision of the WNP, on the basis that the JCS is the overarching strategic policy document and this does allocate land at Burgess Hill for a minimum of 100 dwellings, conflict with the WNP in this respect would not amount to a reason to resist the proposal in principle.

6.13 As well as conflict with Policy 1 of the WNP, Wivelsfield Parish Council has suggested that the proposal would also conflict with Policy 2. However this policy simply states that proposals seeking to develop the three allocated sites will be supported, and provides basic development principles. The policy does not explicitly prevent other sites coming forward and therefore there is no direct conflict with this policy, albeit it is accepted that the application site is not one of the allocated sites and therefore clearly not a preferred location for development for the Parish.

Design, Layout and Visual Impact

6.14 One of the NPPF's main planning principles is to ensure that the different roles and character of different areas are taken into account when making planning decisions, recognising the intrinsic character and beauty of the countryside.

6.15 Core Policy 11 of the JCS seeks to ensure that all new development respects and where appropriate positively contributes to the character and distinctiveness of the district's unique built and natural heritage. Development is also expected to respond sympathetically to the site and its local context and to be well-integrated in terms of access and functionality with the surrounding area. These objectives are also reflected in saved Policy ST3 of the Local Plan.

6.16 As set out above the application site sits largely behind existing residential development, the western boundary abutting the rear gardens of dwellings fronting Valebridge Road, and the southern boundary being shared with lower density more sporadic housing. With mature vegetation along the northern, eastern and southern boundaries the site is well enclosed with limited longer views of the site available.

6.17 Demolition of The Rosery and its replacement with a single access road to gain access to the main section of the application site will open up views into the rear of the site, however with the access road being some 100 metres long before any houses are to be constructed, views of the development itself from Valebridge Road will be limited.

6.18 Where views of the development are available this will be in the context of the existing residential development surrounding the site. From the other side, the dense Ancient Woodland buffer along the eastern boundary contains the site and prevents it encroaching significantly into the more open landscape beyond.

6.19 The existing properties fronting Valebridge Road are largely bungalow or chalet style dwellings set within long narrow plots. There is a strong building line along Valebridge Road, with the majority of dwellings set well back from the road frontage. This gives the road a pleasant, relatively low density appearance.

6.20 As outlined above, the proposed development will be all two storey in height. Plot sizes are also significantly smaller than the majority of the surrounding existing residential development. Notwithstanding this, the arrangement of the scheme ensures that it will read as a stand alone development and will not compete or jar with its surroundings.

6.21 Core Policy 2 of the JCS recommends development at a density of 47 to 57 dwellings per hectare (dph) for the towns and 20 to 30 dph for the villages. At a density of approximately 18 dph the scheme doesn't necessarily accord with the objectives of this policy. However the proposed density ensures the retention of large areas of open space around the periphery of the site and is considered reflective of the edge of town location. Therefore, in this instance, the lower density is considered appropriate.

6.22 The traditional design approach of the development is also considered to be acceptable, the design and materials seeking to reflect those used in the locality in accordance with the objectives of Policy ST3 of the Local Plan, Core Policy 11 of the JCS and Policy 5 of the WNP.

6.23 Furthermore the layout of the scheme ensures the retention of all the significant mature tree specimens, the wooded boundary edges and most importantly the ancient woodland (this is discussed in more detail below).

6.24 The perimeter block arrangement of the scheme ensures good surveillance of the overall site which will help it feel a safe and comfortable living environment for future occupiers.

6.25 Overall the general design, layout and visual impact of the proposal is considered acceptable and in accordance with Development Plan policies.

Housing Mix and Affordable Housing

6.26 Core Policy 2 of the Joint Core Strategy seeks to ensure new housing developments deliver sustainable, mixed and balanced communities. To this effect new developments are expected to deliver a range of dwelling types and sizes to meet identified local need whilst also taking into account the existing character and housing mix of the vicinity.

6.27 One of the key objectives of the WNP is to provide a mix of dwelling types including particularly smaller dwellings for young families and older people wishing to downsize, and starter homes for younger people and key workers.

6.28 Core Policy 1 of the Joint Core Strategy requires developments of 11 or more dwellings to provide 40% of the units as affordable dwellings. The breakdown of the proposed dwelling sizes and tenure is outlined above at paragraph 1.10. This confirms that 40% of the units will be affordable and that the remainder of the scheme will provide a mixture of dwelling types but with the majority being three-bedroom units.

6.29 The Council's Housing Policy Officers have confirmed that the proposed number and mix of affordable units are acceptable. The mix of the remaining dwellings is considered acceptable and in line with the objectives of the JCS and WNP.

Access to services and facilities

6.30 Another of the NPPF's objectives is to manage patterns of growth to make fullest use of public transport and focus significant development in locations which are or can be made sustainable (paragraph 17).

6.31 Core Policy 13 of the emerging Joint Core Strategy seeks to ensure that new development is located in sustainable locations with good access to schools, shops, jobs and other key services by walking, cycling and public transport in order to reduce the need to travel by car.

6.32 Whilst the application site falls within Wivelsfield Parish and is distant from Wivelsfield Green, it is clearly closely related to the town of Burgess Hill. Within the JCS Burgess Hill is recognised within the settlement hierarchy as being a "District Settlement" i.e. *"Accessible settlements by road and public transport containing a range of shops, employment opportunities and facilities including a secondary school. Such settlements are*

not reliant upon other centres to meet day to day needs, but they require support from nearby secondary or primary centres to meet the higher level needs of their residents."

6.33 In considering the accessibility of the application site the Highways Authority has made the following comments:

"It is accepted that walking and cycling have the potential to replace the use of the car for trips of up to 2km and 5km respectively. Whether trips are undertaken by these modes of course depends on the purpose of the trip. There are continuous walking routes to potential destinations, such as Wivelsfield train station and other local retail and education uses, some of these are though right on the limits of maximum walking distances. A wider range of facilities can be reached by cycling although there are no dedicated cycle routes available. Whilst there is a gradient for cyclists traveling into Burgess Hill, this is not considered a significant barrier. The location of the site has the potential to encourage trips by walking and cycling, and reduce dependency on the use of the private car."

Access and parking

6.34 The application has been submitted with a detailed Transport Statement that outlines the key transport planning matters such as the proposed development layout, car and cycle parking requirements, access arrangements, servicing arrangements, and the proposed trip impact on the local road network. This has been considered by both East and West Sussex County Councils in their capacity as Local Highway Authorities due to the fact the application site spans both Counties.

6.35 The proposed development would be served from a new access adjoining Valebridge Road. The access would take the form of a T-junction with a simple priority arrangement including a crossing facility for pedestrians. The new access would be flanked by a 2m wide footway on its southern side. Visibility splays of 148m looking north and 139.2m looking south are proposed, which account for the 85th percentile speeds recorded during a 7 day speed survey on Valebridge Road.

6.36 On entry to the site two traffic calming features would be provided to encourage low vehicle speeds. A kerb build out reducing traffic to a one-way flow with a priority arrangement would be provided 20m from the site access. Priority would be given to vehicles entering the site, to avoid vehicles tailing back on to Valebridge Road.

6.37 The access arrangements have been the subject of a Stage One Road Safety Audit. Whilst this raised two problems both are considered to be resolvable by appropriately worded planning conditions and through the detailed design. On this basis no objections are raised to the principle or form of the vehicular access.

6.38 The proposed access road would maintain a width of 6.0m within the main body of the site with the exception of traffic calming and overrun features. The access road would act as a spine road from which 4 cul-de-sacs would branch. All internal carriageways provide a minimum 4.8m width. Turning head facilities are provided to facilitate large service vehicle turning manoeuvres on internal carriageways.

6.39 East Sussex County Council has considered the submitted details and following some minor alterations to the internal road layouts they have confirmed that they have no objections to the proposals.

6.40 In terms of parking the scheme provides 109 allocated parking bays plus 16 unallocated visitor/resident overspill bays. In addition each property will be provided with secure cycle parking in the form of a shed, store or garage.

6.41 East Sussex County Council's adopted parking guidelines would require the proposal to be provided with 128 car parking spaces (108 allocated, 9 unallocated for residents and 11 unallocated for visitors). Whilst the number of proposed visitor spaces falls slightly of ESCC's guidelines, this is by 4 spaces only.

6.42 Policy 5 of the WNP states that *"Proposals for housing development must provide an appropriate number of car parking spaces as guided by the highways authority parking calculator but as a minimum must provide two off-street car parking spaces per dwelling unless a clear case can be made for why the proposed nature of the occupation of the dwellings will result in fewer spaces being required."* With the overall number of allocated spaces being in line with ESCC's guidance, on balance the level of parking is considered acceptable.

6.43 The proposed development will result in additional vehicle trips on the highway network. This has been estimated using TRICS. TRICS is a large database of traffic surveys of completed developments. The database can be refined so as to select only those developments comparable (in terms of use class, location, accessibility, etc.) to that proposed.

6.44 Based on the trip rates within the Transport Statement, the development is forecast to generate 26 two-way movements in the AM and PM network peak hours. The impact has been considered upon the peak hours given that these are most sensitive to changes.

6.45 On the basis that the proposed access falls within West Sussex, the comments of WSCC Highways Authority have been sought. They have confirmed that WSCC Transport Assessment Guidance requires junctions to be assessed where a development is forecast to result in increased entry flows of 30 or more vehicle movements. Whilst the means of distributing traffic and anticipated increased traffic flows on the highway network are noted, given the level of vehicular trips generated, this proposal would not meet the criteria to require any off-site junction capacity assessments. The NPPF states that development should only be prevented or refused where the impacts would be severe. This proposal would not be expected to result in any capacity impacts that could be defined as severe.

6.46 In conclusion, the Local Highway Authorities are satisfied that this proposal would not give rise to any severe highway safety or capacity concerns and on this basis no highway objection is raised.

Trees and Ancient Woodland

6.47 As set out above the application site is bordered by and partly covered by ancient semi-natural woodland. The application proposals have been designed to retain all of the existing woodland plus other mature tree specimens elsewhere within the site.

6.48 Paragraph 118 of the NPPF states: *"planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweighs the loss."*

6.49 Standing advice produced by Natural England in association with the Forestry Commission provides suggested mitigation measures for developing near ancient woodland. One of these measures is the retention of an appropriate buffer zone of semi-

natural habitat between the development and the ancient woodland. Depending on the size of development the standing advice recommends a minimum buffer of at least 15 metres.

6.50 The submitted application has been developed with these recommendations in mind and all of the proposed dwellings are a minimum 15 metres away from edge of the ancient woodland. The applicants have confirmed that a long term management plan for retained habitats on the site, including the area of ancient woodland will be developed. Furthermore construction will be carried out in such a way as to minimise indirect impacts, resulting from construction noise, dust, pollution etc. Native species are to be planted between the woodland edge and the development edge to enhance the buffer zone.

6.51 The Council's Tree and Landscape Officer has considered the application proposals and raises no material objection on the basis that the important trees and woodland are reasonably well incorporated into the scheme. In addition sufficient space has been allocated to ensure that future conflicts with residents are kept reasonably manageable.

6.52 It is noted that a woodland walk is proposed through the ancient woodland that will be accessible to future residents. Public access could potentially cause the deterioration of an irreplaceable habitat such as this and therefore careful management of this element of the scheme will be required. As set out in the applicants supporting documents the provision of pathways within the woodland, and the creation of a specific, predetermined trail, should reduce informal paths being made. A specific access management plan will also ensure recreational pressure on the woodland is mitigated. On this basis the impact on the Ancient Woodland is considered acceptable.

Biodiversity

6.53 The application has been submitted with a Preliminary Ecological Appraisal (incorporating an Internal and External Bat Survey), an Ecological Impact Assessment, and a Reptile mitigation report.

6.54 These reports confirm that the site is not affected by any statutory biodiversity designations and that the proposals are unlikely to affect any nearby designated sites, due to the nature and extent of works proposed. The majority of habitats on the site (other than the Ancient Woodland referred to above) are considered to be common and widespread throughout the UK and as such are of limited ecological interest.

6.55 Surveys of the site have indicated that the site provides limited suitable habitats for protected species such as badgers, bats, Great Crested Newts and other reptiles. Notwithstanding this, two species of reptiles were identified to be using the site, with bats also using the site for foraging and commuting.

6.56 A reptile presence/likely absence survey identified the site as supporting an exceptional population of slow worms and a low population of grass snakes. As such the applications ecologists have proposed a reptile translocation strategy be employed removing the reptiles off site to a pre-agreed off site receptor site. Such measures will ensure that there are no significant residual impacts on reptiles and that the proposed development will remain within the law. Nearby Bedelands Site of Nature Conservation Importance (SNCI) and Bedelands Farm Local Nature Reserve (LNR) has been identified as a suitable receptor site and the applicants have already negotiated with the land owner (Mid Sussex District Council) and agreed that Bedelands Farm will be used as a receptor site and that the application will contribute £1000.00 to the Council towards the delivery of

reptile hibernacula. This payment will need to be secure through a Section 106 Legal Obligation.

6.57 Other mitigation proposals have also been recommended and incorporated into the design of the proposed scheme to ensure that any other protected species that do exist on or around the site are not harmed by the proposed development.

6.58 On this basis there is no reason to believe that any ecological designations, habitats of nature conservation interest or protected species would be adversely affected by the proposed development. Furthermore, the recommended enhancement measures should provide benefits to biodiversity at the site in the long term.

Living conditions

6.59 Whilst this is a large site at the edge of a built up area, impact on the living conditions of neighbouring occupiers is limited due to the generous distances that will be maintained between the proposed and existing properties.

6.60 To the west the application site is bordered by only 8 properties. All of which front Valebridge Roads with good sized rear gardens. The closest of these dwellings would be some 50 metres from the mutual boundary, with the closest proposed dwellings being a further 25 metres away. With the retention and enhancement of the boundary vegetation it would be very difficult to demonstrate any significant harm to the living conditions of these neighbouring properties as a result of overlooking, loss of privacy, light or outlook.

6.61 Two of these western properties will of course be affected by the introduction of the proposed access road through the existing Rosery site. Chideock lies to the north of the proposed access road and Valewood lies on the southern site. The proposed access road will pass along the entire length of these neighbouring plots. A buffer of some 3.5 - 4.5 metres is retained along either side of the access road allowing space for the introduction of some additional soft landscaping. Whilst these properties will no doubt be aware of passing cars it is not considered that the scale of development and frequency of vehicle movements would be so harmful to the quiet enjoyment of these neighbouring occupiers to warrant the refusal of consent bearing in mind the generous spacing around the access road.

6.62 To the south of the application site, along with the existing host dwelling (The Homestead) there are three further dwellings that sit adjacent the application site. All four of these dwellings will be well screened from the new development by existing and enhanced landscaping. In addition the minimum intervening distance will be 32 metres.

6.63 Where the proposed dwellings are more density laid out this is in the south eastern corner of the site where only one dwelling, The Homestead, closely abuts the application site. New landscaping is proposed along this boundary to help screen the proposed development. Other neighbouring dwellings beyond this end of the application site benefit from dense woodland screening and the same applies for those properties to the north and east.

Play space

6.64 Policy RES19 of the Lewes District Local Plan seeks to ensure that in areas where there is a deficiency of outdoor sports and/or children's play space in quantitative or qualitative terms planning applications for all residential development include a level of provision for outdoor sports and/or children's outdoor play space.

6.65 As set out above the proposed development includes a small LAP (Local Area of Play) measuring some 270 sqm, the applicants relying on future residents being able to access the existing playground located at Janes Lane. This playground is approximately 15 minutes walking time from the application site and would require residents crossing a busy road.

6.66 The applicants were advised therefore during pre-application discussions that in order to accord with the requirements of Policy RES19, it would be preferable for a LEAP (Local Equipped Area of Play) measuring some 400 sqm to be provided on site.

6.67 Whilst the applicants have explored this as an option, in their opinion on-site provision is heavily restricted due to the required separation distances and a requirement for good natural surveillance being severely limited by trees to be retained and the Ancient Woodland buffer. Notwithstanding this, whilst it is not proposed to provide an on-site LEAP, the scheme by virtue of its woodland buffers and the proposed woodland walk, does in fact overprovide in terms of general open space providing approximately 1.1 hectares of open space, not including the Ancient Woodland. On this basis whilst it is disappointing the an on-site LEAP is not being provided in this instance, on balance it is considered that the generally high level of open space sufficiently compensates for its absence in this instance, especially as there is still a playground within walking distance of the site.

Flood Risk and Drainage

6.68 The application has been submitted with a detailed Flood Risk Assessment that has been considered by ESCC's SUDS Officers.

6.69 The FRA confirms that the application site falls within Flood Zone 1 (lowest risk of flooding) and that the risk flooding from all sources is either low or very low.

6.70 The proposed surface water drainage strategy will be designed to accommodate a 1 in 100 year critical design storm and cater for the effects of climate change by including a 20% increase in peak rainfall intensity. It will comprise flow restriction and surface water storage to ensure that the rate of run-off leaving the site will be no more than the existing situation. Surface water storage will be provided using cellular tanks and a swale. The swale will provide storage and will also help to improve the water quality of the run-off before it is discharged to the local watercourse on the north boundary.

6.71 This strategy will ensure that there is no increase in the amount of run-off leaving the site, and therefore the proposed development will not increase the risk of flooding elsewhere.

6.72 ESCC SUDS officers have considered the submitted details and confirmed, following the submission of revised/additional information, that they have no objections to the proposal subject to conditions.

6.73 Foul drainage from the site will be dealt with by means of a new connection to the public foul water sewer. Southern Water has confirmed that it can provide foul sewage disposal to service the proposed development.

S106

6.74 General infrastructure improvements required as a result of this development (play space, education etc.) will be secured by a CIL contribution. The levy is intended to focus on the provision of new infrastructure and should not be used to remedy pre-existing deficiencies in infrastructure provision unless those deficiencies will be made more severe

by new development. The levy can be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, if that is necessary to support development. Whilst the contribution will be paid to and held by Lewes District Council there is nothing to prevent either Mid Sussex District Council or West Sussex County Council bidding for CIL funding for infrastructure projects outside of the Lewes District.

6.75 In terms of the S106 agreement the following contributions are considered necessary to be secured by a S106 agreement:

- Financial contribution towards recycling - @ £19 per dwelling
- Provision of 40% affordable housing on the site - equating to 22 dwellings - 8 x 1 bed, 9 x 2 bed houses, 15 x 3 bed houses.
- £1000 towards MSDC for reptile translocation.

CONCLUSION

6.76 Whilst the site is not currently allocated for housing within the Development Plan the erection of 55 dwellings on this site would accord with the broad distribution of housing as set out by Policy SP2 of the JCS and would help meet the District's housing needs over the period to 2030, whilst at the same time securing 22 much needed affordable homes.

6.77 The site is reasonably well laid out, offering a mix of dwellings types and sizes of a design that is reflective of the surrounding area. Retention of the wooded boundaries will ensure that the site will be visually enclosed and will relate well to the existing built form without encroaching into the open landscape. Retention of the woodland and provision of generous buffer areas also means the scheme will deliver a large amount of open space whilst at the same time securing the retention of the Ancient Woodland.

6.78 As well as being visually well related to the existing built form, the location of the site ensures that residents will have good access to the existing services and facilities of Burgess Hill, as well as reasonable access to alternatives means of transport.

6.79 It is not considered that this proposal will give rise to any severe highway safety or capacity concerns and on-site, parking and turning provisions are satisfactory. The relationship with, and impact on, the living conditions of surrounding properties are also considered acceptable.

6.80 Overall it is considered that the proposal would create an acceptable form of development without detriment to the wider surroundings or the amenity of the area in general and sufficiently accords with the provisions of the Development Plan to be supported.

7. RECOMMENDATION

7.1 Recommend that, subject to the applicants first entering into a Section 106 Agreement to secure the obligations set out at paragraph 6.75 above, the application be approved subject to the conditions outlined below.

The application is subject to the following conditions:

1. No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety.

2. No part of the development shall be first occupied until visibility splays of 2.4 metres by 139 metres to the north and 148 metres to the south have been provided at the proposed site vehicular access onto Valebridge Road in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

3. No unit hereby approved shall be occupied until the parking area(s) for that unit have been provided in accordance with the approved plans. Once provided all parking areas shall be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide car-parking space for the development.

4. The garage buildings shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety.

5. No unit hereby approved shall be occupied until covered and secure cycle parking spaces for that unit have been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. The areas shall thereafter be retained for the use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

6. No part of the development shall be occupied until details regarding the construction, surfacing, drainage and lighting of the road(s), footways and parking areas serving the development have been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with these approved details.

Reason: To secure satisfactory standards of access for the proposed development.

7. The vehicle turning space shall be constructed in accordance with the approved plans. This space shall thereafter be retained at all times for this use.

Reason: In the interests of road safety

8. No part of the development shall be occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

9. In this condition 'retained tree' means an existing tree or hedge, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first occupation of the development.

- a) no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Council. Any pruning shall be carried out in accordance with British Standard 3998 (tree work) and in accordance with the arboricultural method statement.
- b) if any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Council.
- c) tree protection measures shall be maintained in-situ and not moved or removed until all construction has finished and equipment, materials, or machinery are removed from site. Nothing shall be stored or placed in any area fenced in accordance with this condition nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground levels within those areas shall not be altered, nor shall any excavation or vehicular access be made, without the written consent of the Council.
- d) any arboricultural protection information and plans submitted as part of the application, and listed in the approved plans condition, shall be implemented and adhered to at all times during the construction process unless otherwise agreed in writing with the Council. This shall include the requirement for arboricultural supervision.
- e) This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.

Reason: To preserve trees on the site and in the interest of visual amenity and environment having regard to Policy ST3 of the Lewes District Local Plan.

10. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. If within a period of two years from the date of the planting any tree, or any tree planted in replacement for it, is removed, uprooted destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

11. A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plans shall be carried out as approved.

Reason: To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

12. Any works or deliveries in connection with this permission shall be restricted to the hours of 0800 to 1800 Mondays to Fridays and 0830 to 1300 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason: In the interest of the amenities of the adjoining residents having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012

13. A verification plan based on the findings of the desk-study and ground investigation regarding the ground gas results providing details of the data that will be collected in order to demonstrate that the works set out in the recommendations are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors (in accordance with National Planning Policy Framework, sections 120 and 121).

14. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors (in accordance with National Planning Policy Framework, sections 120 and 121).

15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors (in accordance with National Planning Policy Framework, sections 120 and 121).

16. The surface water drainage strategy outlined in the RGP Design Flood Risk Assessment (Ref 2016/D1178/FRA1.2) should be carried forward to detailed design. Surface water Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features and the detailed design should include how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

Reason: To reduce the risk of flooding, both on and off site and to accord with Policy CP12 of the Joint Core Strategy and the National Planning Policy Framework 2012.

17. A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.

Reason: To reduce the risk of flooding, both on and off site and to accord with Policy CP12 of the Joint Core Strategy and the National Planning Policy Framework 2012.

18. Prior to occupation of the development evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: To reduce the risk of flooding, both on and off site and to accord with Policy CP12 of the Joint Core Strategy and the National Planning Policy Framework 2012.

19. No development shall commence unless and until details of the proposed means of foul water sewerage water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be implemented in accordance with the approved details.

Reason: To ensure that sewage disposal can be provided from the site without detriment to the existing sewage system, having regard to guidance within the National Planning Policy Framework 2012.

20. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

21. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 22 and that provision for analysis, publication and dissemination of results and archive deposition has been secured, unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

22. No development shall take place until details of finished floor levels and ground levels in relation to the existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of the character of the locality having regard to Policy ST3 of the Lewes District Local Plan and the National Planning Policy Framework 2012.

23. Boundary treatments shall be erected in accordance with the details shown on drawing no. CB_35_085_009 Rev B unless otherwise agreed in writing by the Local Planning Authority. The boundary treatment shall be completed before the associated dwellings are occupied or in accordance with a timetable to be first agreed in writing with the local planning authority.

Reason: To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

24. No development shall take place above the ground floor slab level until details and samples of all external facing, roofing and surfacing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.

Reason: To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

25. No more than 35 dwellings shall be occupied unless and until the public open space (including the woodland walk) has been provided in accordance with details which shall be submitted to and approved by the local planning authority. The submitted particulars shall include details of its on-going management and maintenance. The development shall be carried out, managed and maintained thereafter in accordance with the approved details.

Reason: To provide an adequate amount of open space on the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

26. No development shall take place until a detailed scheme of ecological enhancements and mitigation measures, to include ongoing management as necessary, based on the recommendations of the Ecological Impact Assessment (January 2017) by The Ecology Partnership has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out and managed thereafter in accordance with the approved details.

Reason: To protect and enhance habitats on the site having regard to guidance within the National Planning Policy Framework 2012.

INFORMATIVE(S)

1. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

2. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

3. A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Transport Assessment	17 February 2017	
Design & Access Statement	9 December 2016	
Planning Statement/Brief	9 December 2016	
Tree Statement/Survey	9 December 2016	
Flood Risk Assessment	31 January 2017	
Proposed Layout Plan	22 March 2017	001 REV D PLANNING LAYOUT
Other Plan(s)	22 March 2017	002 REV C LAND USE
Other Plan(s)	22 March 2017	003 REV C HOUSING MIX
Other Plan(s)	22 March 2017	004 REV C AFFORDABLE HOUSING
Other Plan(s)	22 March 2017	005 REV C BUILDING HEIGHTS
Other Plan(s)	22 March 2017	006 REV C PARKING STRATEGY
Other Plan(s)	22 March 2017	007 REV C BIN _CYCLE STORAGE
Other Plan(s)	22 March 2017	008 REV C EXTERNAL FINISHES
Other Plan(s)	22 March 2017	009 REV C EXTERNAL ENCLOSURES
Other Plan(s)	22 March 2017	010 REV C HARD SURFACING
Other Plan(s)	9 December 2016	03 TREE PROTECTION
Other Plan(s)	9 December 2016	1/001G TOPOGRAPHICAL 1
Other Plan(s)	9 December 2016	1/001G TOPOGRAPHICAL 2
Other Plan(s)	9 December 2016	1/001G TOPOGRAPHICAL 3
Location Plan	9 December 2016	1:1250
Existing Block Plan	9 December 2016	1:500
Proposed Layout Plan	14 March 2017	2016/3237/005 G
Proposed Layout Plan	14 March 2017	2016/3237/009 E
Other Plan(s)	9 December 2016	906 DISTRICT BOUNDARIES
Technical Report	6 January 2017	ADDENDUM GROUND GAS ASSESSMENT

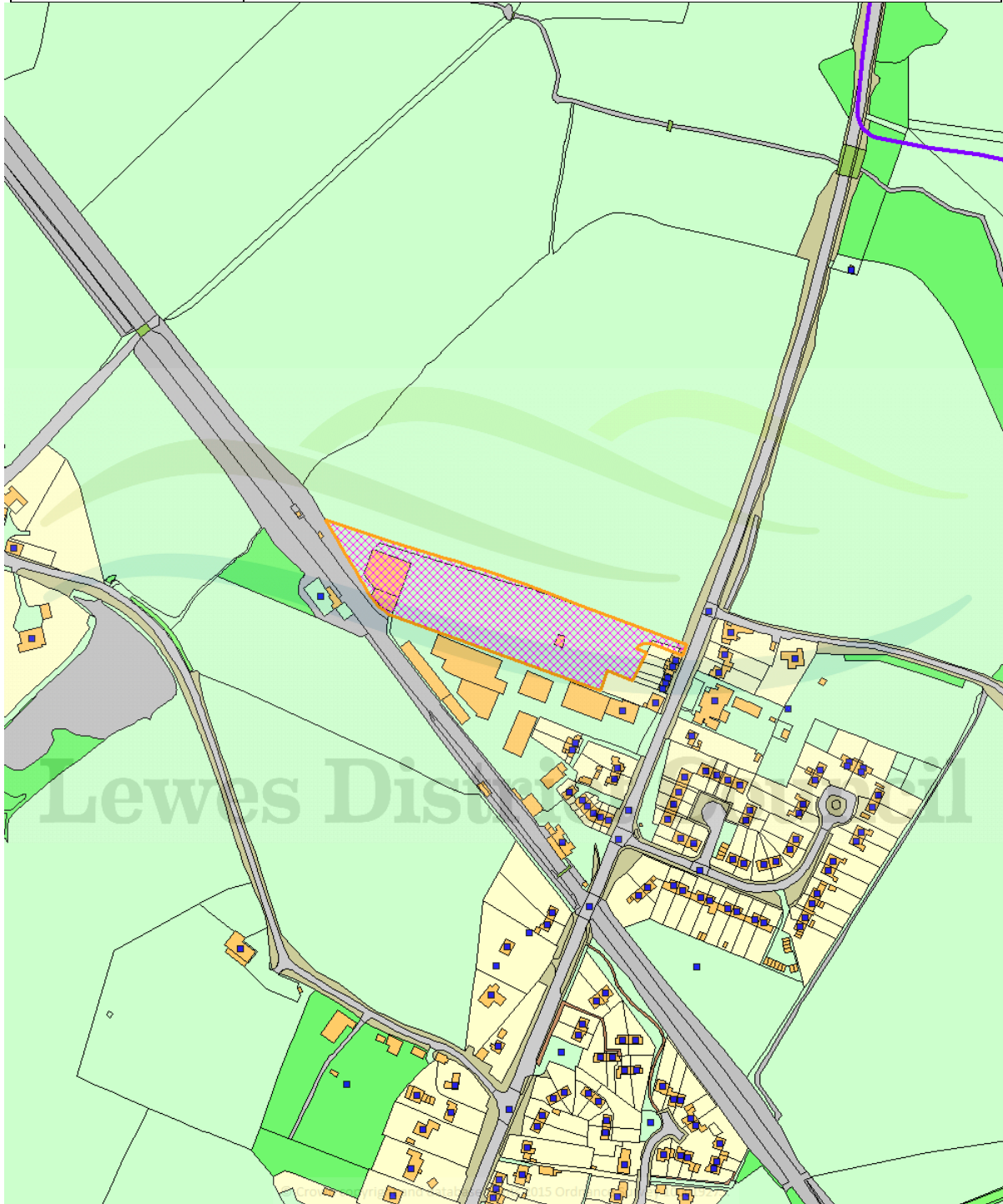
Technical Report	9 December 2016	ARCAHEOLOGY & HERITAGE
Technical Report	9 December 2016	ECOLOGICAL APPRAISAL
Biodiversity Checklist	6 January 2017	ECOLOGICAL IMPACT ASSESSMENT
Technical Report	9 December 2016	GROUND INVESTIAGTION
Tree Statement/Survey	20 February 2017	IMPACT ASSESSMENT
Proposed Elevation(s)	9 December 2016	P100 PLOT 1
Proposed Floor Plan(s)	9 December 2016	P100 PLOT 1
Proposed Roof Plan	9 December 2016	P100 PLOT 1
Proposed Elevation(s)	9 December 2016	P101 PLOT 2
Proposed Floor Plan(s)	9 December 2016	P101 PLOT 2
Proposed Roof Plan	9 December 2016	P101 PLOT 2
Proposed Elevation(s)	9 December 2016	P102 PLOT 3 & 4
Proposed Floor Plan(s)	9 December 2016	P102 PLOT 3 & 4
Proposed Roof Plan	9 December 2016	P102 PLOT 3 & 4
Proposed Elevation(s)	9 December 2016	P103 PLOT 5
Proposed Floor Plan(s)	9 December 2016	P103 PLOT 5
Proposed Roof Plan	9 December 2016	P103 PLOT 5
Proposed Elevation(s)	9 December 2016	P104 PLOT 6
Proposed Floor Plan(s)	9 December 2016	P104 PLOT 6
Proposed Roof Plan	9 December 2016	P104 PLOT 6
Proposed Elevation(s)	9 December 2016	P105 PLOT 7 & 8
Proposed Floor Plan(s)	9 December 2016	P105 PLOT 7 & 8
Proposed Roof Plan	9 December 2016	P105 PLOT 7 & 8
Proposed Elevation(s)	9 December 2016	P106 PLOT 9 & 10
Proposed Floor Plan(s)	9 December 2016	P106 PLOT 9 & 10
Proposed Roof Plan	9 December 2016	P106 PLOT 9 & 10
Proposed Elevation(s)	9 December 2016	P107 PLOT 11
Proposed Floor Plan(s)	9 December 2016	P107 PLOT 11

Proposed Roof Plan	9 December 2016	P107 PLOT 11
Proposed Elevation(s)	9 December 2016	P108 PLOT 12
Proposed Floor Plan(s)	9 December 2016	P108 PLOT 12
Proposed Roof Plan	9 December 2016	P108 PLOT 12
Proposed Elevation(s)	9 December 2016	P109 PLOT 13 & 14
Proposed Floor Plan(s)	9 December 2016	P109 PLOT 13 & 14
Proposed Roof Plan	9 December 2016	P109 PLOT 13 & 14
Proposed Elevation(s)	9 December 2016	P110 PLOT 15 & 16
Proposed Floor Plan(s)	9 December 2016	P110 PLOT 15 & 16
Proposed Roof Plan	9 December 2016	P110 PLOT 15 & 16
Proposed Elevation(s)	9 December 2016	P111 PLOT 17
Proposed Floor Plan(s)	9 December 2016	P111 PLOT 17
Proposed Roof Plan	9 December 2016	P111 PLOT 17
Proposed Elevation(s)	9 December 2016	P112 PLOT 18
Proposed Floor Plan(s)	9 December 2016	P112 PLOT 18
Proposed Roof Plan	9 December 2016	P112 PLOT 18
Proposed Elevation(s)	9 December 2016	P113 PLOT 19
Proposed Floor Plan(s)	9 December 2016	P113 PLOT 19
Proposed Roof Plan	9 December 2016	P113 PLOT 19
Proposed Elevation(s)	9 December 2016	P114 PLOT 20 & 21
Proposed Floor Plan(s)	9 December 2016	P114 PLOT 20 & 21
Proposed Roof Plan	9 December 2016	P114 PLOT 20 & 21
Proposed Elevation(s)	9 December 2016	P115 PLOT 22 - 25
Proposed Floor Plan(s)	9 December 2016	P115 PLOT 22 - 25
Proposed Roof Plan	9 December 2016	P115 PLOT 22 - 25
Proposed Elevation(s)	9 December 2016	P116 PLOT 26 & 27
Proposed Floor Plan(s)	9 December 2016	P116 PLOT 26 & 27

Proposed Roof Plan	9 December 2016	P116 PLOT 26 & 27
Proposed Elevation(s)	9 December 2016	P117 PLOT 28 - 31
Proposed Floor Plan(s)	9 December 2016	P117 PLOT 28 - 31
Proposed Roof Plan	9 December 2016	P117 PLOT 28 - 31
Proposed Elevation(s)	9 December 2016	P118 PLOT 32 & 33
Proposed Floor Plan(s)	9 December 2016	P118 PLOT 32 & 33
Proposed Roof Plan	9 December 2016	P118 PLOT 32 & 33
Proposed Elevation(s)	9 December 2016	P119 PLOT 34
Proposed Floor Plan(s)	9 December 2016	P119 PLOT 34
Proposed Roof Plan	9 December 2016	P119 PLOT 34
Proposed Elevation(s)	9 December 2016	P120 PLOT 35 & 36
Proposed Floor Plan(s)	9 December 2016	P120 PLOT 35 & 36
Proposed Roof Plan	9 December 2016	P120 PLOT 35 & 36
Proposed Elevation(s)	9 December 2016	P121 PLOT 37 - 40
Proposed Floor Plan(s)	9 December 2016	P121 PLOT 37 - 40
Proposed Roof Plan	9 December 2016	P121 PLOT 37 - 40
Proposed Elevation(s)	9 December 2016	P122 PLOT 41
Proposed Floor Plan(s)	9 December 2016	P122 PLOT 41
Proposed Roof Plan	9 December 2016	P122 PLOT 41
Proposed Elevation(s)	9 December 2016	P123 PLOT 42
Proposed Floor Plan(s)	9 December 2016	P123 PLOT 42
Proposed Roof Plan	9 December 2016	P123 PLOT 42
Proposed Elevation(s)	9 December 2016	P124 PLOT 43 - 45
Proposed Floor Plan(s)	9 December 2016	P124 PLOT 43 - 45
Proposed Roof Plan	9 December 2016	P124 PLOT 43 - 45
Proposed Elevation(s)	9 December 2016	P125 PLOT 46 - 48
Proposed Floor Plan(s)	9 December 2016	P125 PLOT 46 - 48
Proposed Roof Plan	9 December 2016	P125 PLOT 46 - 48

Proposed Elevation(s)	9 December 2016	P126 PLOT 49 & 50
Proposed Floor Plan(s)	9 December 2016	P126 PLOT 49 & 50
Proposed Roof Plan	9 December 2016	P126 PLOT 49 & 50
Proposed Elevation(s)	9 December 2016	P127 PLOT 51 & 52
Proposed Floor Plan(s)	9 December 2016	P127 PLOT 51 & 52
Proposed Roof Plan	9 December 2016	P127 PLOT 51 & 52
Proposed Elevation(s)	9 December 2016	P128 PLOT 53 & 54
Proposed Floor Plan(s)	9 December 2016	P128 PLOT 53 & 54
Proposed Roof Plan	9 December 2016	P128 PLOT 53 & 54
Proposed Elevation(s)	9 December 2016	P129 PLOT 55
Proposed Floor Plan(s)	9 December 2016	P129 PLOT 55
Proposed Roof Plan	9 December 2016	P129 PLOT 55
Proposed Elevation(s)	9 December 2016	P130 GARAGES
Proposed Floor Plan(s)	9 December 2016	P130 GARAGES
Proposed Roof Plan	9 December 2016	P130 GARAGES
Proposed Elevation(s)	9 December 2016	P131
Proposed Floor Plan(s)	9 December 2016	P131
Proposed Roof Plan	9 December 2016	P131
Biodiversity Checklist	6 January 2017	REPTILE MITIGATION REPORT
Technical Report	9 December 2016	UTILITES REPORT
Technical Report	9 December 2016	VISUAL APPRAISAL & STRATEGY

APPLICATION NUMBER:	LW/16/0935	ITEM NUMBER:	8
APPLICANTS NAME(S):	Gold Property Developments Ltd	PARISH / WARD:	Hamsey / Barcombe & Hamsey
PROPOSAL:	Planning Application for Erection of 27 dwellings with associated landscaping, access and parking		
SITE ADDRESS:	Chatfields Yard Cooksbridge Road Cooksbridge East Sussex BN8 4TJ		
GRID REF:	TQ 40 13		



1. SITE DESCRIPTION / PROPOSAL

1.1 The application site is located in the village of Cooksbridge, on the western side of the A275. It is situated on but within the extreme northern boundary of the settlement. The site, which covers an area of approximately 0.9 hectares, was last in use as an open storage area for building materials associated with the building supplies business Covers. Outline planning permission was granted in 2015 (LW/14/0943) for the erection of 25 dwellings to include 25% affordable housing. The current proposal is seeking full permission for the construction of 27 dwellings with 40% affordable housing, together with associated landscaping, access and parking.

1.2 The rectangular site is boarded to the north with a TPO'd tree belt, which screens the site from the open countryside to the north. To the south is the railway and Covers yard. To the east are a number of residential properties whose rear gardens face west onto the site. The site was last used for the open storage of building materials, with a large area adjacent to the eastern boundary reserved for employees and neighbours parking. The site is covered in hardstanding with two large sheds adjacent to the western boundary. A former vehicular access on to the A275 is situated in the north east corner of the site adjacent to Elm Cottage.

1.3 The proposed development, albeit with two additional dwellings, is very similar to the previously approved scheme. Access into the site will be obtained from the old access adjacent to Elm Cottage and will consist of a single point of access. The road will pass along the southern boundary, adjacent to the remaining Covers site and end in a turning head at the western end of the site. The housing, which is largely in the form of pairs of semi detached dwellings (there are two blocks of three dwellings), either face onto the new access road, and have north facing gardens, or face east-west and have similarly aligned gardens (at the western part of the site). Parking would be provided in the form of open parking either to the front or side of the dwellings, with some parking for visitors along the southern boundary, together with 9 spaces located to the rear of the existing dwellings facing onto the A275 which will be for those existing residents.

1.4 The development will provide 2 x 1 bed flats, 2 x 2 bed flats, 5 x 2 bed houses, 6 x 3 bed houses and 12 x 4 bed houses, of which 40% will be affordable, the mix of which will be determined in consultation with the Head of Housing Strategy and the Registered Landlord and secured through the legal agreement.

2. RELEVANT POLICIES

LDLP: – CP13 – Sustainable Travel

LDLP: – HNPH1 – Brownfield Developments

LDLP: – HNPH3 – Protect the Character of the SDNP

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – CP1 – Affordable Housing

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP4 – Economic Development and Regeneration

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – HNP6 – Local Housing Needs

LDLP: – HNP7 – Excellence in Design

LDLP: – HNP8 – Design & Materials

3. PLANNING HISTORY

LW/14/0126 - Alterations to site layout and revised elevation treatment to existing timber store - **Approved**

LW/14/0943 - Outline application for the erection of up to 25 dwellings including affordable housing - **Approved**

LW/03/1934 - Erection of a bike shed made from 'hit & miss' boarding with onduline roof - **Approved**

LW/03/1756 - Retrospective Advertisement application for the retention of two non-illuminated pole mounted signs, one non-illuminated sign fixed to fence fronting main road and non-illuminated flag - **Split**

LW/02/0307 - Advertisement application for two fascia signs - **Approved**

LW/02/0237 - Demolition of part of offices and erection of new office link and alterations - **Approved**

LW/00/1991 - Erection of a steel framed monopitch building to store timber - **Approved**

LW/00/1417 - Demolition of part of existing offices and erection of new office at rear. - **Approved**

LW/00/0664 - Section 73A Retrospective application for the retention of a portacabin where shed was sited and resiting of shed - **Approved**

LW/99/1340 - Demolition of part of existing offices and the erection of new office at rear of existing offices - **Refused**

LW/98/1124 - Demolition of part of offices & erection of new office at rear - **Withdrawn**

LW/98/0851 - Use of land for ancillary car parking - **Approved**

LW/98/0502 - Raise the height of maintenance building by 1.8M - **Approved**

LW/97/0353 - Erection of steel framed building for vehicle workshop - **Approved**

LW/96/0554 - Erection of steel portal frame building as mechanics workshop and external wash down area - **Refused**

LW/96/0098 - Erection of steel portal framed building as timber store - **Approved**

LW/95/1114 - Renewal of temporary planning permission LW/92/0521 for the continued use of a stored site cabin as workshop/yard office - **Approved**

LW/93/0749 - Demolition of part of existing offices and the erection of new office at rear of existing offices. - **Approved**

LW/92/0521 - Use of stored site cabin as workshop/yard office – **Approved**

LW/91/0366 - Extension to outbuilding. - **Approved**

LW/89/1974 - Non-illuminated hoarding. - **Refused**

LW/88/2313 - Erection of a storage building for bulk timber - **Approved**

LW/86/1839 - Building to provide covered storage for bulk timber. Restrictive Planning Condition. - **Approved**

LW/82/0643 - Application for extension to form additional office accommodation at Chatfield and Son Ltd. - **Approved**

LW/82/1352 - Change of Use from grazing land to open storage of timber at The Nursery. Restrictive Planning Conditions No.s 1, 2 and 3. - **Approved**

LW/79/1247 - Planning Application for Retention of office extension (Under Section 32, Town and Country Planning Act 1971). - **Approved**

LW/75/1714 - Approval of Reserved Matters (LW/74/2246) for single storey office building. - **Approved**

LW/74/2257 - Planning and Building Regulations Applications for erection of new timber store, due to fire damage. Building Regulations Approved. Completed. - **Approved**

LW/74/2247 - Planning and Building Regulations Applications for erections of new mill building due to fire damage. Building Regulations Approved. Completed. Restrictive Planning Condition No.5. - **Approved**

LW/74/2246 - Outline Application for single storey office block. - **Approved**

LW/74/1428 - Planning and Building Regulations Applications for temporary office accommodation and canteen. Building Regulations Approved. Completed. Restrictive Planning Condition No 1. Temporary Permission Expires 31/12/1974. - **Approved**

E/73/1162 - Change of use to open storage of timber. - **Refused**

E/73/1144 - Planning and Building Regulations Applications for additional office accommodation. Building Regs Approved. No Effect Notice. - **Approved**

E/73/0985 - Change of use to open storage for timber. - **Refused**

E/73/0314 - Planning and Building Regulations Applications for joinery workshop at Station Yard. Building Regs Approved. Commenced. Restrictive Planning Condition No 2. - **Approved**

E/72/1838 - Outline application for joinery workshop - **Approved**

E/71/1010 - Six foot high chain link fence at Timber Yard. - **Refused**

E/71/0180 - Planning and Building Regulations Applications for timber drying and storage shed at British Rail Goods Yard. Building Regulations Approved. Completed. - **Approved**

E/70/0708 - Retention of building for use as office for Timber Yard. Restrictive Planning Condition. Temporary Permission Expires 30/09/1975. - **Approved**

E/69/0755 - Planning and Building Regulations Applications for office building and access road. Building Regulations Withdrawn. Restrictive Planning Condition No 3. – **Approved**

E/60/0733 - Proposed Change of Use from residential to timber storage at No's. 001-003, Friendly Hall Cottages. - **Approved**

E/57/0563 - Outline Application to erect twelve dwellinghouses. - **Refused**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Environmental Health – Contaminated Land Conditions

Condition: Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. An options appraisal and remediation strategy based around the ground contamination risk assessment giving full details of the remediation measures required including any additional sampling and how this is to be undertaken.
2. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (1) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Verification report

Condition: Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Long-term monitoring

Condition: Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

Unsuspected contamination

Condition: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 120 and 121].

Construction Impact

Given the close proximity of residential properties on the eastern boundary of the site we consider that the construction phase of the development requires careful management. The applicant has submitted a Construction Management Plan which addresses the main concerns and shall be implemented throughout the construction phase. In order to minimise the impact of construction noise we recommend the following condition:

Construction and Delivery Hours

Any works or deliveries in connection with this permission shall be restricted to the hours of 0800 to 1800 Mondays to Fridays and 0830 to 1300 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason: In the interest of the amenities of the adjoining residents having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

Noise

No noise assessment has been submitted as part of this application, although it is understood an assessment has been undertaken in support of a previous application. Based on potential impact from railway noise and the operational yard adjacent to the site, appropriate noise mitigation measures will be required. Therefore the following condition is recommended.

Construction work shall not begin until a scheme for protecting the proposed dwellings from railway noise and the operational adjacent yard has been submitted to and approved by the local planning authority. All works which form part of the scheme shall be completed before any part of the development is occupied.

Reason: Due to the proximity of the site to noise from the railway and the adjacent operational yard.

With regard to the proposed sub station, the noise level should be acceptable, particularly as a 1.8m close boarded fence is to be erected to the east of the site, on the boundary with the current residential gardens. Such a fence should be constructed so that it has no gaps or holes and should be capable of further reducing the noise from the substation so that noise levels will be in the low 40dBA. This does not mean that the substation is silent, but it should mean that the residential amenity of property is appropriately dealt given the nature of the noise and distance to the facades of the residential properties.

The noise level from the substation should fall within the guidance provided by such documents as BS 8233:2014 "Guidance on sound insulation and noise reduction from buildings" which suggests a design criteria of an external noise limit of 50dBA LAeqT albeit the noise if audible in the rear gardens of existing properties will be new.

Tree & Landscape Officer Comments – Tree Preservation Order (No.7) 2000 -

Please note that trees subject to a Tree Preservation Order rank as a 'material consideration' when determining the above planning application. The Council is under a duty to protect trees. Section 197 of the Town & Country Planning Act 1990 states

'it shall be the duty of the local planning authority to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made by the imposition of conditions, for the preservation or planting of trees'

Summary

An objection is raised to this scheme on the following grounds:

The scheme fails to take into account the importance of the vegetative buffer on the northern and western boundary. Parts of it will be removed, thus exposing views of the development from the open countryside to the north, and the remainder has been incorporated into private domestic gardens. This will make it too difficult for the Council to enforce its retention and in the absence of any clear management objectives its visual amenity contribution will be progressively eroded over time.

The vegetative buffer provides screening and helps visually separate the built up area from the wider countryside to the north. The partial loss and/or erosion of the vegetative buffer will have a detrimental impact on the visual amenities of the area from views from the open countryside to the north. This in turn will also have a detrimental impact on the local landscape character of the area.

General Comments

It appears that the plans have been significantly altered since the last planning application and now it is proposed to remove either directly or indirectly as a result of development, many of trees and vegetation on the northern boundary.

The position of Plot 1 will require the complete removal of a section of boundary hedgerow. The position of the building itself, and the limited garden amenity space will result in this section of vegetation being completely removed. This is in direct conflict with the soft landscaping scheme which appears to show these trees and shrubs for retention.

The small rear gardens of plots 6 through to 14 (inclusive) are abutting the northern boundary hedge giving rise to the high risk of piecemeal enforcement burden of the local authority against future residents looking to maximise garden amenity space. As it is, it will not be possible to prevent lopping or topping of trees and shrubs by future residents and this type of works would further expose the development to views from the north.

Similarly, the flank gable ends of plots 22 & 27 will also present similar problems. The Council will not be able to enforce retention and maintenance of the boundary vegetation on individual private residents. It would be best if this area was set aside and managed separately and independently of private residents.

The intention to utilise the area occupied by G1 of the TPO for garden amenity space will place future residents in direct conflict with the Council. The plans indicate that one

unidentified tree (the tree schedule is incomplete), requires pruning operations to reduce lateral branches on a 5 year cyclic basis.

I could find no landscape impact assessment, which would inform where strategic landscaping would need to be located to have the maximum benefit.

The applicant is advised to separate the strip of land bordering the northern boundary and to set up a separate management regime, funded by residents, to manage it to clear set of objectives. It is suggested that this section of land is planted up to form a vegetative buffer to soften the visual impact of the development on the countryside to the north and this being the case it will be important that this land is not placed in private ownership.

The planting scheme is considered to be critical to the successful integration of the development into the local area and for this reason the landscaping scheme should form part of the planning application.

COMMENTS ON THE AMENDED SCHEME

I can confirm that the plans and particulars relating to the protection of existing protected trees, the site layout in terms of provision of soft landscaping space in strategic areas, proposed soft landscaping and its associated short and long-term management plan are considered acceptable.

Suggested Planning Conditions

In the event planning permission is granted for the development as it stands the following conditions should be considered.

Tree Protection

In this condition 'retained tree' means an existing tree or hedge, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first occupation of the development.

- a) no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Council. Any pruning shall be carried out in accordance with British Standard 3998 (tree work) and in accordance with any supplied arboricultural method statement.
- b) if any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Council.
- c) tree protection shall be maintained in-situ and not moved or removed until all construction has finished and equipment, materials, or machinery are removed from site. Nothing shall be stored or placed in any area fenced in accordance with this condition nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground levels within those areas shall not be altered, nor shall any excavation or vehicular access be made, without the written consent of the Council.
- d) any arboricultural protection information and plans submitted as part of the application, and listed in the approved plans condition, shall be implemented and adhered to at all times during the construction process unless otherwise agreed in writing with the Council. This shall include any requirement for arboricultural supervision.

Implementation of Hard and Soft Landscape Works

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme approved in writing with the Local Planning Authority

ESCC Highways – Executive Summary

This HT401 is issued in response to the original application and amended plans [nos.2016-091-01 Revision A-A dated 14th February 2017 and 120107-TK02 revision E] which shows the alterations to the footways within the site together with the access/A275 junction and associated refuse vehicle swept path. These follow extensive discussions between all parties.

It is noted that Outline planning permission under LW/14/0943 currently exists on this site for 25 dwellings. This application is very similar but is for 27 dwellings. I am satisfied that the impact of this development [27 dwellings] can be accommodated on the highway network provided the mitigation measures are carried out. I therefore recommend that the application be approved subject to highway conditions and a section 106/278 agreement to secure the highway works.

Response

The main elements of this application are:

Up to 27 dwellings with associated estate roads and;
New car park provision for existing residents and;
New/improvements to footways on A275.
Formalisation of parking layby on A275.
New Access onto A275.

1. Access

The application indicates that a new access [utilizing old unused access] would be created onto the A275 [Cooksbridge Road].

2. Visibility

The site lies within a 30mph speed limit whereby the visibility splay distances should be 90 metres which is in accordance with that recommended in Design Manual for Roads and Bridges.

However, a speed survey for southbound traffic to determine the visibility splay distances has been carried out due to the close proximity to the 60mph to the north. The survey reveals that 85% of traffic are travelling at a speed of 40.5mph in a southbound direction. As a result the applicant has positioned the access and altered the existing traffic island on the A275 to obtain 76 metres to the north which is the minimum distance recommended in Manual for Streets 2, with the desirable distance being 95 metres for this speed. It is noted that the visibility to the south of 55 metres can be achieved within the limits of the highway and applicants control and is therefore acceptable.

A stage 1 Road Safety Audit has been carried out/signed off by the Auditor with minor adjustments to be made at detail stage. However, there is no Auditors response to the Designers Response - this should be provided.

However, despite the Safety Audit, I still have concerns on the issue of visibility to the north and with the design/position of the proposed layby.

There is also the added complication of the junction of Hamsey Lane opposite whereby some of the vehicles parked in the proposed layby would be tempted to try and turn within this area thus causing further issues. The parking that currently takes place on the public highway is unofficial and it would be preferable to see this parking layby deleted from the proposal. However, as this is an existing situation the highway authority agrees that this is an acceptable solution and the proposed layby has been reduced in length at its southern end. This will help to protect the visibility splay should vehicles encroach onto the hatched area. The details of the final layout would need to be submitted and agreed through the 106/278 agreement procedure with the normal 4 stages of the Road Safety Audit being carried out.

3. Trip Generation/Traffic Impact

The proposed development of 27 dwellings would generate approximately 126 vehicular daily trips based on similar private housing developments assessed from the Trip Related Information Computer System [TRICS] database by the applicant. From my own interrogation of the TRICS database I confirm that the suggested daily trips are although slightly reserved are nonetheless comparable.

Crash records received from the Police indicate that 1 injury crash has been reported in the last 3 years approximately 120 metres from the proposed access point. However, although this related to 4 cars it involved in a rear end shunt this seems to be due to driver error/travelling too fast.

4. Highway Safety

I am satisfied that there are no significant highway safety issues as a result of the additional traffic on the highway network subject to the following improvements.

- a). The application as submitted includes slight alterations to the existing carriageway and repositioning of the traffic island and new layby to the north on the A275. The details of the final layout would need to be submitted and agreed through the 106/278 agreement procedure with the normal 4 stages of the Road Safety Audit being carried out.
- b) New Footway provided along the western side of the A275 and improvement to existing footway on the eastern side linking the site to local services.

5. Access by foot, bus and Train

The site is within easy walking distance of the local primary school [opposite] and local services and there are bus stops on the A275 within 150 metres of the site access. Cooksbridge train station is within 400 metres of the whole of the site and is a mainline service to Lewes, Eastbourne, Brighton and London. The applicant is proposing to improve the footway to the south together with a new footway to the north and widen the footway on the eastern side with improved island crossing facility. This will provide a continuous footway from the site [and layby] to facilities including the primary school opposite.

Furthermore, our Infrastructure, Design & Delivery team have requests for provision of/improvement to footways along Cooksbridge Road. Therefore as this site would also create additional footfall to the north to the local public house [The Rainbow] I would wish to see the existing footway on the eastern side of the A275 from the traffic island to the Rainbow Public House [i.e to the junction of Deadman Tree Hill]. However, it is noted that this request was not supported by your Council with the previous planning permission LW/14/0943.

All these works would need to be secured through a 106 agreement with the detailed design to be agreed and dealt with through the S38/278 Highway Agreement procedure.

The applicant is also proposing a pedestrian footways along the internal access road to connect the site to the bus stops and local facilities.

6. Bus Services

There are currently regular day time bus services past the site to Lewes/Newick which connects to the railway station in Lewes with onward travel by rail/bus to Brighton, Eastbourne and London. Also bus connections are possible at Chailey Kings Head for onward travel to Haywards Heath

7. Street Lighting

It should be noted that some form of street lighting may be required with the provision of the footway/traffic island and where the development emerges onto the A275. This can be dealt with at the application for detail/reserved matters stage and included within the S278/S38 Agreement.

8. Parking Provision

The Transport Statement states that parking would be in accordance with East Sussex County Council's Parking Guidelines [October 2012] and state 60 parking spaces in accordance with the house type split. As this is in accordance with ESCC's parking guidelines the parking is acceptable as shown on the amended plan.

It should be noted that the internal measurements of a single garage should be 6 metres x 3 metres [6m x 6m for double garage] in order to be considered as a parking space. If cycling facilities are to be provided within a garage then the length would need to be extended to 7 metres.

9. Demolition/Construction

A Construction Traffic Management Plan will need to be provided and be agreed at any detailed application stage. This would need to include routing of vehicles and management of workers vehicles to ensure no on-street parking occurs during the whole of the demolition and construction phases. Deliveries should also avoid the adjacent school pick up/drop off times of 8am - 9am and 2.30pm - 3.30pm.

10. Travel Plan Issues

The Applicant has stated that a residential Travel Plan Statement will be provided and has submitted a draft travel plan statement within the Transport Statement. However, the size of the development does not warrant a Travel Plan Statement and I would therefore wish to see just a Travel Plan Pack provided with each dwelling upon occupation. This should provide information on bus/train stops and timetables, walking distances etc and possibly bus/train taster tickets for each dwelling. This would help to reduce the reliance on the private motor car.

11. Mitigation Measures

A Section 106 agreement (including provisions for a S278 Highway agreement to cover the physical works detailed below) would be required to include provision of:-

1. Widening of the existing footway to 2 metres on the eastern side of the A275 from Hamsey Lane north to the existing traffic island together associated dropped kerbs and tactile paving as necessary across the junctions.
2. New footway and layby along the western side of the A275 [to be agreed] between the access road to the site and the traffic island to the north together with associated dropped kerbs/tactile paving to include stages 1,2,3 &4 Safety Audits.

Environment Agency – No comment.

Natural England – Statutory nature conservation sites - no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites.

Protected landscapes

The proposed development is for a site within or close to a nationally designated landscape namely South Downs National Park. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

Sussex Police – General terms support the proposed layout, orientation allows good natural surveillance of paths, roads, parking areas.

District Services – No objection but a bin store or all residential would be easier, and important to ensure sufficient space in the turning area for reversing trucks.

Southern Water Plc – The wastewater discharged from the proposed development will be drained to Southern Water's Cooksbridge wastewater treatment works. The works currently does not have the capacity to accommodate flows from the proposed development. Southern Water requires adequate time to provide capacity through its prioritised Capital Programme and will not be able to provide adequate capacity until 2020, As treatment capacity is not available to serve the development, we would regard the development as premature, pending the provision of adequate capacity to serve the development.

Should the Local Planning Authority be minded to grant planning permission for this development we request that the following condition is attached to the consent:
"Occupation of the development will not be permitted until the Local Planning Authority is satisfied that, in consultation with Southern Water, adequate wastewater treatment facilities exist to effectively drain the development".

Please find attached a plan of the sewer records showing the approximate position of foul sewer within the site. The exact position of the foul sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- No development or new tree planting should be located within 3 metres either side of the centreline of the foul sewer.
- No new soakaways should be located within 5m of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that noncompliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers. The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Hamsey Parish Council – Comments on the amended plans:

Hamsey Parish Council notes the amendments to LW/16/0935, although there was great difficulty in discerning the changes as the original plans are no longer available online to enable a comparison to be made. In particular while, in discussion with the officer, it is claimed that the substation has been relocated favourably in relation to the adjoining residential property, this is not apparent from the submitted plan. The officer also advised that the modest relocation had allowed some landscaping to be provided. However, this does not overcome the overall design approach to the site, which is that it represents overdevelopment, and a lesser scheme should be able to overcome the siting of the substation in this unneighbourly location altogether.

Furthermore, while remodelling two of the dwellings as flats, this has done nothing to reduce the overall ungainliness and bulk of the development as a whole (the number of bedrooms on the site remains unchanged), and the Parish Council's objection to the mediocre design persists. Policy H7 of the statutory Hamsey neighbourhood plan requires that "development should clearly demonstrate excellence in design contributing towards neighbourhoods by being sustainable, adaptable and resilient creating places where people want to live, work and play.". The Design and Access statement submitted with the original scheme completely fails to demonstrate the coherence of design approach let alone any excellence. The proposal is therefore contrary to the Hamsey neighbourhood plan, and therefore to the statutory development plan and should be refused.

Hamsey Parish Council – While the Parish Council supports the principle of high-quality residential development on this site in full accordance with the policies of the made Hamsey Neighbourhood Plan, we consider that :

- i) The current proposals provide a cramped form of overdevelopment resulting in an un-neighbourly relationship between the substation and existing dwellings
- ii) The proposed development is of a poor standard of design, contrary to policy H7 of the Hamsey Neighbourhood Plan and the NPPF.

The Parish Council is concerned that the developer/landowner has not sought to follow the high standard of design and layout implied at outline stage, and would expect any submission to firstly be subject to discussion with the Parish Council and local residents, particularly those most affected, and secondly to improve on the standard of design approach and design justification. We would expect the design and access statement to demonstrate greater sympathy and understanding of the local area.

The Parish Council has been advised in this matter by a local resident who is also a planning consultant, and his assessment, which is endorsed by the Parish Council, is attached for your consideration.

If the District Council is minded to approve this application in its present form, the Parish Council requests that the application should be decided by the Planning Committee, and hereby gives notice that it would wish to address the committee on these points.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

Objections to original plans: 4

Three storey buildings will result in overlooking, concerns over parking in the village, radiation from the sub station, lack of planting, noise from vehicles, detrimental impact on residential amenity, drainage, unacceptable works to the pavement in front of Wellington Cottages.

Objections to amended plans: 2

Noise from the sub station, lack of screening to the rear garden, car parking abutting the rear garden fence, over development, poor design, contrary to HNP.

6. PLANNING CONSIDERATIONS

6.1 Material considerations

Design and appearance

6.2 The dwellings are two storey, two bays wide, with rooms in the roof lit with either rooflights or small dormers. The roofs have barn hips and chimneys. The elevations consist of brick (Ibstock Hamsey Mixed Stock) with white Eternit weatherboarding on 5 of the blocks. The roofs will use Marley plain clay tiles (Antique and Burnt Flame). Windows, soffits and fascia will be in white Upvc. The buildings have simple canopy and enclosed porches, and incorporate some front eaves gable detail. The proposed building designs are not dissimilar to the indicative elevations which were submitted with the approved outline scheme. The appearance is based on a Sussex vernacular style, and aims to incorporate features found either within the village or the surrounding area. The proposed materials follow a similar theme, using local materials (bricks/tiles), and weatherboarding found on the nearby development adjacent to Cooksbridge station.

6.3 The NPPF at paragraph 60 states that 'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness'.

6.4 At paragraph 61 it goes on to state that 'Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations'.

6.5 The Parish Council's comments with regards to the design have been noted. However it is considered that the overall appearance of the development and the choice of materials fits well within the small settlement and the wider setting. Whilst accepting that the development is not an example of 'exemplary or contemporary design' the proposal accords with the substantive permission and provides typical inoffensive vernacular housing on a site which is located away from the wider public realm, utilising a limited range of materials found locally.

6.6 The development sits well within the plot and consists of traditionally designed 2 storey dwellings. It does not impose itself upon the surroundings or the public realm. The removal of the leylandii screen and its replacement with more appropriate landscaping creates a better transition to the surrounding countryside and, together with the new housing, assists in screening the large builders yard at Covers from the countryside beyond.

Trees and landscaping

6.7 The TPO'd tree belt to the northern boundary consists of a couple of lime and poplar trees but is largely leylandii and was both planted and protected to reduce the impact that the builders yard had on the surrounding countryside. As a landscape feature it serves to screen the site but it also appears incongruous and out of place in the countryside location, offering a bank of coniferous planting with a regimented appearance. Following revisions the tree belt is located outside of the residential gardens and no trees would need to be removed to facilitate the development although tree protection measures would be required during the construction period. It is considered that there is significant opportunity to enhance the landscaping and appearance of the tree belt to the northern boundary of the

site, to allow it to integrate with the landscape as opposed to simply providing a leylandii screen to the development beyond.

6.8 The Council's Tree and Landscape officer has confirmed (following the receipt of amended plans and additional information) that the plans and particulars relating to the protection of existing protected trees, the site layout in terms of provision of soft landscaping space in strategic areas, proposed soft landscaping and its associated short and long-term management plan are considered acceptable.

Access and Parking

6.9 The fundamental element of the proposal is the suitability of the vehicular access. The scheme indicates that the access to the north of Elm Cottage, which is under the control of the applicant, being the main access to the site. ESCC highways have indicated their acceptance to the access. They have discussed the situation with the existing informal layby to the north of the access. The applicants have indicated a new arrangement to formalise the layby together with the creation of a pedestrian access, together with relocation of the existing traffic island and improvements to the footway on the eastern side of the A275 (shown on plan 2016-091-01 Rev C-C) - the final details of this would need to be agreed through a S106/278 agreement. ESCC Highways have therefore requested that a Section 106 agreement (including provisions for a S278 Highway agreement to cover the physical works detailed below) would be required to include provision of widening of the existing footway to 2 metres on the eastern side of the A275 from Hamsey Lane north to the existing traffic island together associated dropped kerbs and tactile paving as necessary across the junctions, and provide a new footway and layby along the western side of the A275 [to be agreed] between the access road to the site and the traffic island to the north together with associated dropped kerbs/tactile paving to include stages 1,2,3 &4 Safety Audits.

6.10 Parking for the new dwellings has been provided in accordance with East Sussex County Council's Parking Guidelines [October 2012] and in addition a further 9 spaces behind Wellington Cottages have been provided for use by the residents of the cottages.

6.11 Subject to the above ESCC Highways recommend that the scheme is approved subject to the necessary conditions, which are attached at the end of this report.

6.12 The site is located within the settlement boundary, and is close to both a primary school, railway station, and within walking distance of a local farm shop. Adequate facilities have been provided for parking and cycle storage. It is thus considered to comply with the objectives of Core Policy 13 of the Joint Core Strategy.

Residential Amenity

6.13 The closest new units to existing residential properties are located between 13.5 and 22m from the rear garden fences and between 38-45m from the rear elevations, a greater distance than the dwellings previously approved (10 to 11.5m to rear boundary and 38 to 40m to the rear elevation). At such distances it is not considered that any undue overlooking would occur that would prejudice residential amenity.

6.14 A small transformer station is shown on the plan, located at the western end of the rear garden of Four Winds. These are not usually shown on application plans for housing developments as they are normally permitted development and installed by statutory undertakers under their respective permitted development rights to serve the new development. The proposed transformer is under 29 cubic metres and is therefore permitted development. However, it is well screened, with an acoustic fence with its

boundary with the neighbouring garden together with additional landscaping. This element has been considered by the Council's Environmental Health officer who has confirmed that even without the additional fencing any noise nuisance would be negligible. The maximum noise level that the sub station would generate would be 51db(A), equivalent to a domestic fridge. Being housed within a GRP enclosure and with the new fencing and landscaping between it and the neighbouring properties, together with the separation distances to the dwellings themselves would not result in a loss of amenity.

6.15 Whilst the coming and going of vehicles would take place to the rear of the existing dwellings, in view of the previous use of the site and the nature of activities that took place to the rear of the residential properties including parking of vehicles, it is not considered that vehicular traffic generated by the new development would compromise residential amenity to a level that would justify a reason for refusal.

Policy

6.16 In terms of policy, the site is not a formal designation within the Hamsey Neighbourhood Plan (which has now been adopted) as the Neighbourhood Plan Steering Group has made the decision not to undertake specific Site Selection, preferring to work alongside Lewes District Council and acknowledge the value of their expertise, with particular regard to the work they have undertaken with their SHLAA. The NP indicates that there is considerable support in the village for the use of this site for housing. The development would also bring about several improvements noted within the plan as being desirable. The site has also been put forward as part of the SHLAA process as being a site that is suitable, available, achievable and deliverable. The development accords with the broad housing policy requirements of the Lewes District Local Plan as the site is within the planning boundary and would provide 40% affordable housing.

6.17 In terms of employment policy E1 the plans seeks to prevent the loss of land in B1, B2 and B8 use. Whilst this proposal would result in the loss of employment land, the site will be rationalised and all activities moved to the southern part of the site. It is not envisaged that the proposal would result in any loss of jobs. The NPPF acknowledges that alternative uses for employment sites should be considered on their merits with a focus on sustainable development which supports local communities.

6.18 In terms of the Joint Core Strategy, it is considered that the proposal broadly complies with the objectives of Core Policy 1, 2 and 4.

Legal Agreement

6.19 In terms of the mitigation measures it is considered that the following would need to be secured through a S106 Legal Agreement in order to make the scheme acceptable:

1. Widening of the existing footway to 2 metres on the eastern side of the A275 from Hamsey Lane north to the existing traffic island together associated dropped kerbs and tactile paving as necessary across the junctions.
2. New footway and layby along the western side of the A275 [to be agreed] between the access road to the site and the traffic island to the north together with associated dropped kerbs/tactile paving to include stages 1,2,3 &4 Safety Audits.
3. Provision of affordable housing 40%,
4. Recycling contribution of £513

5. Secure the implementation of the management plan to ensure that the approved landscape management plan, including its short and long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, is carried out as approved and for the lifetime of the development.

6. SuDS management

6.20 Overall the scheme is considered to be well designed and would provide much needed residential development within the village and the defined settlement boundary, without detriment to the wider surroundings.

7. RECOMMENDATION

That planning permission is granted, subject to the conditions listed below, and subject to a S106 agreement to secure the items listed within the report.

The application is subject to the following conditions:

1. The surface water drainage strategy outlined in the Bell Munroe drawing nos. J4783/EX01 Rev E and J4783/EX02 Rev E should be carried forward to detailed design. Surface water runoff from the proposed development should be limited to 5l/s for all rainfall events including those with a 1 in 100 (plus climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.

Reason - Reason: To secure a satisfactory standard of development having regard to Policy ST3 of the Lewes District Local Plan, CP12 of the Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

2. Before development commences on site the applicant should consult with the Highway Authority to confirm that the proposal to connect to the highway drainage network on Cooksbridge Road is acceptable and that there is sufficient capacity available within the network.

Reason: To secure a satisfactory standard of development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

3. The detailed design should include how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

Reason - To secure a satisfactory standard of development having regard to Policy ST3 of the Lewes District Local Plan, CP12 of the Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

4. A maintenance and management plan for the entire drainage system for the lifetime of the development should be submitted to and approved in writing by the Planning Authority before any development commences on site. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details, specify a timetable for implementation, and should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme

throughout its lifetime. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.

Reason - To secure a satisfactory standard of development having regard to Policy ST3 of the Lewes District Local Plan, CP12 of the Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012

5. Prior to the occupation of the development evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason - To secure a satisfactory standard of development having regard to Policy ST3 of the Lewes District Local Plan, CP12 of the Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

6. Construction of the development shall not commence until details of the proposed means of foul sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water, and occupation of the development shall not take place until foul sewerage disposal together with adequate wastewater treatment facilities to effectively drain the development is in place and has been confirmed in writing by Southern Water to be acceptable.

Reason - To secure a satisfactory standard of development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012

7. No part of the development shall be occupied until the road(s), footways and parking areas serving the development have been constructed, surfaced, drained and lit in accordance with plans and details hereby approved.

Reason - To secure a satisfactory standard of access for the proposed development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012

8. No development shall take place, including demolition, on the site unless and until an effective vehicle wheel-cleaning facility has been installed and such facility shall be retained in working order and utilised throughout the period of work on site to ensure the vehicles do not carry mud and earth on to the public highway, which may cause a hazard to other road users.

Reason: In the interests of road safety and having regard to ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

9. No part of the development shall be occupied until the vehicle turning space has been constructed within the site in accordance with the approved plans. This space shall thereafter be retained at all times for this use.

Reason: In the interests of road safety and having regard to ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

10. No part of the development shall be occupied until the car parking has been constructed and provided in accordance with the approved plans. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide car-parking space for the development and having regard to ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

11. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012

12. No part of the development shall be occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety and having regard to ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

13. No part of the development shall be occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority, to prevent surface water draining onto the public highway.

Reason: In the interests of road safety and having regard to ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

14. No part of the development shall be first occupied until visibility splays of 2.4 metres by 76 metres to the north and 55 metres to the south have been provided at the proposed site vehicular access onto Cooksbridge Road [A275] in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

Reason: In the interests of road safety and having regard to ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

15. No development shall commence until such time as temporary arrangements for access and turning for construction traffic has been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To secure safe and satisfactory means of vehicular access to the site during construction having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012

16. No development shall take place, including demolition, on the site until an agreed pre commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.

Reason: In the interests of highway safety and the amenities of the area having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012

17. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development described in Schedule 2 Part 1 Classes A to E, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

18. Prior to the construction of the units 23-27 details of the glazing and proposed means of providing ventilation to the habitable rooms facing south or west shall be submitted in writing to LPA for written approval. The scheme shall demonstrate that the internal noise environment will be compatible to recommendations made within Acoustic Report JAE7692. In addition the rear western gardens shall be provided with a close boarded fence to a height of 1.8m.

Reason: In order to safeguard the amenity of future occupiers from noise from the railway and the adjacent operational yard having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012

19. Prior to occupation of properties a validation report shall be submitted in writing to the LPA demonstrating that units 23-27 have been constructed with the approved glazing and ventilation as s described in Acoustic Report JAE7692 and that the noise barrier recommended in the same report is stable and is fully intact.

Reason: In order to safeguard the amenity of future occupiers from noise from the railway and the adjacent operational yard having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012

20. All work in connection with construction shall be restricted to the hours of 0800 to 1800 Mondays to Fridays and 0830 to 1300 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason: In the interest of the amenities of the adjoining residents having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

21. All deliveries to the construction site shall be restricted to the hours of 0800 to 1800 Mondays to Fridays (excluding the hours of between 08.00 - 09.00 and 14.30 - 15.30pm in order to avoid conflict with the school pick up / drop off times) and 0830 to 1300 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason: In the interest of the amenities of the adjoining residents and safety of other road users, having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

22. Prior to the below ground works commencing on site for the development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. An options appraisal and remediation strategy based around the ground contamination risk assessment giving full details of the remediation measures required including any additional sampling and how this is to be undertaken.

2. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (1) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 120 and 121].

23. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 120 and 121].

24. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 120 and 121].

25. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 120 and 121].

26. No external lighting shall be installed on the dwellings hereby approved or on the remainder of the site other than the bollard lights expressly permitted by this consent.

Reason: To protect residential amenity and the character of the wider countryside having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

27. All hard and soft landscape works as shown on the approved plans shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the dwellings and shall be maintained as such in perpetuity.

Reason: To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

28. In the event of the death or destruction of any tree, shrub, hedge to which Condition 27 relates on the site within two years of occupation due to felling, cutting down, uprooting, ill health or any other manner, then there shall be replanted in its place another tree, shrub or hedge within 6 months and of a size and species approved in writing by the Local Planning Authority, and carried out in accordance with that approval.

Reason: To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

29. The Construction Management Plan produced by BEDARO (contract number 1077) shall be implemented in full for the duration of the project.

Reason: To ensure that nuisance to neighbours and all road users is minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

INFORMATIVE(S)

1. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

2. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

3. A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

4. The applicant is advised to enter into a Section 59 Agreement under the Highways Act, 1980 to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The applicant is advised to contact the Transport Development Control Team (01273 482254) in order to commence this process.

5. The applicant is advised to enter into a Section 38 legal agreement with East Sussex County Council, as Highway Authority, for the proposed adoptable on-site highway works. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that any works commenced prior to the Sec 38 agreement being in place are undertaken at their own risk.

6. The applicant will be required to enter into a Section 278 legal agreement with East Sussex County Council, as Highway Authority, for the off-site highway works. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place

7. The applicant's attention is drawn to the requirement for the temporary access to the site [see conditions above]. Whilst there is an existing access which the applicant may wish to use for construction vehicles, this access in its present form is not adequate and would require alterations/improvements for construction vehicles.

8. A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

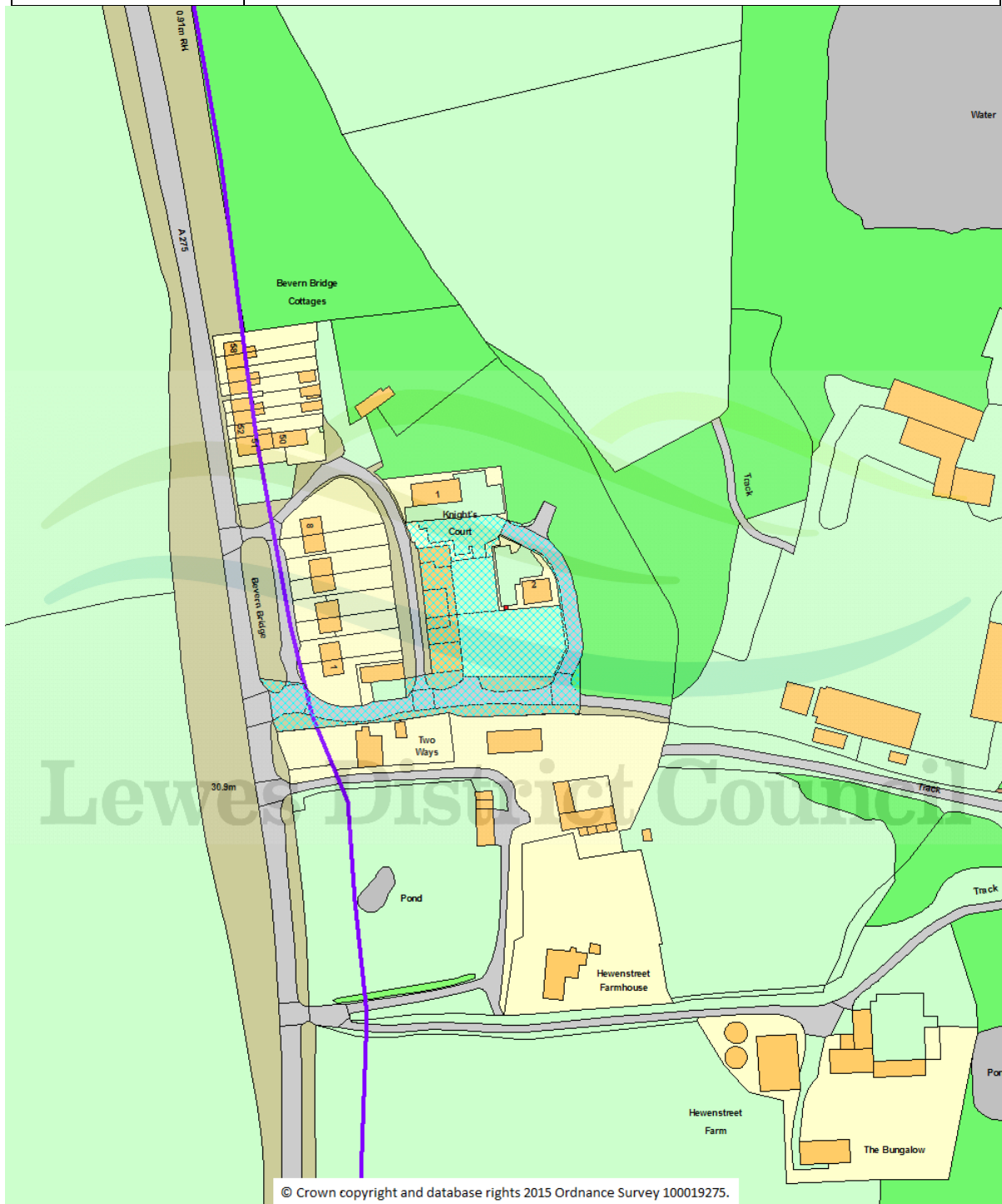
This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Technical Report	23 March 2017	SUDS MANAGEMENT
Technical Report	2 November 2016	DRAINAGE HYDRAULIC CALCS
Planning Statement/Brief	2 November 2016	PLANNING STATEMENT
Technical Report	2 November 2016	CONSTRUCTION MANAGEMENT PLAN
Transport Assessment	2 November 2016	TRANSPORT STATEMENT
Tree Statement/Survey	2 November 2016	ARBORICULTURAL METHOD STATEMENT
Landscaping	24 February 2017	MANAGEMENT PLAN
Design & Access Statement	2 November 2016	DESIGN & ACCESS STATEMENT
Land Contamination	2 November 2016	GRND CONTAMINATION LW26339
Technical Report	2 November 2016	STAGE 2 SITE INVESTIGATION

Tree Statement/Survey	2 November 2016	TREE SURVEY
Proposed Section(s)	2 November 2016	06 FENCE
Proposed Elevation(s)	2 November 2016	06 FENCE
Proposed Section(s)	2 November 2016	07 WALL
Proposed Elevation(s)	2 November 2016	07 WALL
Proposed Section(s)	2 November 2016	08 POST& RAIL
Proposed Elevation(s)	2 November 2016	08 POST& RAIL
Proposed Elevation(s)	2 November 2016	30 E
Proposed Floor Plan(s)	2 November 2016	30 E
Proposed Elevation(s)	2 November 2016	40 F
Proposed Floor Plan(s)	2 November 2016	40 F
Proposed Elevation(s)	14 November 2016	50
Proposed Floor Plan(s)	14 November 2016	50
Other Plan(s)	2 November 2016	HW01
Other Plan(s)	2 November 2016	HW02
Other Plan(s)	2 November 2016	HW03
Proposed Section(s)	2 November 2016	J4783/02 HIGHWAYS
Proposed Section(s)	2 November 2016	J4783/03 HIGHWAYS
Other Plan(s)	2 November 2016	SK01
Proposed Layout Plan	27 March 2017	01 C-C
Landscaping	27 March 2017	BLC160 143 E
Proposed Layout Plan	27 March 2017	1634-01
Street Scene	27 March 2017	1634-02-J
Illustration	27 March 2017	1634-03
Other Plan(s)	27 March 2017	EDS 07-0102.01 SUBSTATION
Technical Report	27 March 2017	SUDS MANAGEMENT PLAN

Location Plan	14 November 2016	10
Street Scene	24 February 2017	02 J
Proposed Levels Plan	24 February 2017	03 I
Proposed Levels Plan	24 February 2017	04 H
Other Plan(s)	24 February 2017	05 Q MATERIALS
Proposed Layout Plan	24 February 2017	09 F
Proposed Elevation(s)	24 February 2017	20 E
Landscaping	24 February 2017	BLC160 142 D
Other Plan(s)	24 February 2017	EX01 F
Other Plan(s)	24 February 2017	EX02 F
Proposed Elevation(s)	24 February 2016	60
Proposed Floor Plan(s)	24 February 2016	60
Other Plan(s)	24 February 2017	EX03
Proposed Floor Plan(s)	24 February 2017	20 E
Proposed Elevation(s)	24 February 2016	61
Other Plan(s)	24 February 2017	TK02 E SWEPT PATH

APPLICATION NUMBER:	LW/17/0030	ITEM NUMBER:	9
APPLICANTS NAME(S):	EA Strategic Land LLP	PARISH / WARD:	Hamsey / Barcombe & Hamsey
PROPOSAL:	Outline Planning Application for Redevelopment of the site with six residential units		
SITE ADDRESS:	Knights Court South Road South Common South Chailey East Sussex		
GRID REF:	TQ 39 15		



1. SITE DESCRIPTION / PROPOSAL

1.1 The site is located in open countryside on the eastern side of the A275, approximately 5km to the north of Lewes and 1.2km to the south of South Chailey. The site covers an area of approximately 0.3 hectares and is occupied by a large open scaffolders yard with a barn like building along the western boundary serving as storage and office space. Two further commercial buildings are located to the north and east of the site and currently provide office floorspace in single storey modern buildings with clay tiled pitch roofs, and with accommodation within the roof space.

1.2 The site is accessed via an existing track off the A275. This access serves the site as well as a number of residential properties, the two small business units at Knights Court, as well as the vacant site known as Old Hamsey Brickworks which has outline permission for the development of 49 residential units and 8 commercial units.

1.3 To the north of the access road, are located a row of semi-detached houses fronting onto the A275 which were built sometime in the early 1960's with a further terrace of houses built in the late 19th century to accommodate workers on the brickyard site. There are also a number of detached dwellings located on the southern side of the access road.

1.4 The proposal is seeking outline permission to redevelop the site to provide 6 residential units. These would be set back from the lane, with a 300sq.m landscaped area fronting the track, and with parking to the rear. The development would provide a density of approximately 18 units per hectare.

2. RELEVANT POLICIES

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP4 – Economic Development and Regeneration

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP13 – Sustainable Travel

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – HNPEN1 – Development Outside Settlement Boundary

LDLP: – HNPH7 – Excellence in Design

LDLP: – HNPH8 – Design & Materials

3. PLANNING HISTORY

LW/17/0030 - Redevelopment of the site with six residential units -

LW/15/0897 - Removal or variation of condition 12 relating to LW/00/1670 for the extension of operating hours to 24 hours a day for Unit 1 only - **Withdrawn**

LW/12/0100 - Variation to condition 12 of planning approval LW/00/1670 to amend operational hours of unit to 24hrs a day - **Withdrawn**

LW/12/0692 - Variation to condition 6 of planning approval LW/96/1642 (Change of use to Industrial Use B1/B8) to amend operational hours of unit to 24hrs a day for emergency access - **Withdrawn**

LW/01/1874 - Construction of six units for B1, B2 & B8 office & light industrial use, associated car parking & turning areas. - **Approved**

LW/00/1670 - Construction of three units for B1 & B8 Office and Light Industrial Use together with associated access, parking and turning areas - **Approved**

LW/98/0558 - Section 73A Retrospective application for change of use of carpenters shop to office with sanitary accommodation - **Approved**

LW/92/0308 - Registration of interim development order permission for mineral workings - **Approved**

LW/96/1642 - Change of use to industrial use (B1 & B8) - **Approved**

LW/96/0860 - Section 73(A) Retrospective application for the retention of a portacabin beneath existing open-sided building and vehicle parking spaces - **Approved**

LW/96/1003 - Erection of office and store and change of use to open storage - **Withdrawn**

LW/92/0308 - Registration of interim development order permission for mineral workings - **Approved**

E/58/0777 - Planning and Building Regulations Applications for proposed builder's store and yard at Hamsey Brick Works. Building Regulations Approved. Commenced. - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Environmental Health – The proposal is for the redevelopment of the site with six residential units.

This memo provides both contaminated land and additional environmental health comments.

Contaminated Land

The site and adjacent area to the east have been occupied by a number of potentially contaminative uses over a long period of time. These uses include mineral extraction, brick manufacture, infilling of clay pits and the most recent use of the site for a scaffolding business. Data provided by the Environment Agency indicates the site is encroached upon from the north east by a former landfill site labelled as 'Knights Yard' accepting industrial and inert waste between 1910 and 1956. An above ground storage tank is currently located on the north western boundary of the site. Following a visit to the site it is also apparent that much of the main existing building appears to be clad in asbestos sheeting.

Given the sensitive proposed residential end-use of the site the applicant has submitted a Phase 1 Geo-environmental and Geotechnical Assessment (Buro Happold, Ref: 032634 (Rev.1), Dated: 6th January 2017). We are satisfied with the methodology used in the report and recommendation of the report that a site investigation is required to provide the data required to adequately assess the risk that the site would present to the future users. The site investigation should include robust soil and ground gas monitoring.

To ensure that the recommendations are carried out we advise that the following conditions are attached to any planning permission:

Contaminated Land

Condition: Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A site investigation scheme, based on the submitted Geo-environmental and Geotechnical Phase I Assessment (Buro Happold, Dated 6th January 2017, ref: 032634, revision 1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The site investigation results and the detailed risk assessment, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Verification report

Condition: Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Long-term monitoring

Condition: Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority

Unsuspected contamination

Condition: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the

Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 12.0 and 12.1].

Noise

Following a review of the submitted Design and Access statement there appears to have been little consideration for potential noise issues. The A259 is an existing potential source to the west of the site. In addition, planning consent has been approved for the adjacent site (LW/14/0712) which includes provision for 12 commercial units which according to the proposed site layout are due to be located adjacent to the Knights Court site. It is not clear from this separate application if the new B1 units are proposed to have any externally located plant such as air handling units. If this is the case it is recommended that a noise assessment is carried out to understand the potential impact on the subject site.

Existing residential properties are located approximately 6m west of the application site. Therefore the demolition and construction phases should be carefully managed to reduce the impacts of the development on nearby properties.

To ensure that the demolition and construction is carried out with consideration to the above, we advise that the following conditions are attached to any planning permission:

Demolition and Construction Environmental Management Plan (CEMP)

No development shall take place until a Demolition and Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall set out the arrangements for managing all environmental effects of the development during the demolition and construction period, including traffic (including a workers' travel plan), temporary site security fencing, artificial illumination, noise, vibration, dust, air pollution and odour, including those effects from the decontamination of the land (if appropriate) and shall be implemented in full throughout the duration of the demolition and construction works, unless a variation is agreed in writing by the Planning Authority.

Hours of Construction

Hours of construction work should be restricted to 08:00 to 18:00 hours Monday to Friday and 08:30 to 13:00 hours on Saturdays. No working should take place at any time on Sundays or Bank Holidays.

Asbestos

A site walkover of the premises identified potential asbestos containing materials in the form of suspected asbestos sheets cladding the main structure on the current yard area of the site. As a result of the proposed redevelopment and subsequent demolition of the site we advise the following condition be attached to any planning permission.

Condition: Buildings constructed or refurbished before 2000 may contain asbestos. Accordingly a Demolition asbestos survey should be undertaken by a competent person in

accordance with the guidance given in HSG264 Asbestos: The survey guide. A copy of the report should be provided to the local planning authority together with a mitigation plan that removes the risk to future occupiers of exposure to asbestos.

Reason: To ensure that risks from asbestos to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 12.0 and 12.1].

ESCC Highways – This OUTLINE application is for redevelopment of part of Knights Yard to provide up to 6 dwellings with associated estate road known as Phase 2 of the Old Hamsey Brickworks.

Phase 1 [blue site area] has planning permission for 49 dwellings and 8 commercial B1 office units [1300sqm] under LW/14/0712.

I have no objections to this OUTLINE application for 6 dwellings subject to any consent including highway conditions. The highway works secured through planning permission LW/14/0712 for the whole of the site [blue +red areas] will also need to be implemented prior to commencement of this development.

Response

1. Trip Generation/Traffic Impact

The development within the blue site area [Phase 1] has been assessed as generating 534 trips a day which included the existing 19 dwellings, 49 proposed dwellings and 8 business units - these trips have been approved under LW/14/0712.

Those 534 vehicular trips did not include any trips relating to the existing business/commercial uses on the remaining land served by this access road i.e Knights Yard and the office building behind No.1 Bevern Bridge.

An assessment of the traffic impact of this current proposed 6 dwellings on the impact of the access with the highway network has been undertaken by the applicant. The Transport Statement when assessing the trip rates has not updated the TRICS 7.1.1 which is no longer the current data as 7.4 is now available. Although 7.4 is only just out I would have expected at least 7.3.3 of TRICS to have been used.

However, from my own interrogation of TRICS and the fact that the Transport Statement has also been assessed on 6 trips per dwelling this is acceptable.

The proposed dwellings in this location are likely to generate 6 vehicular trips a day thus this development could generate a total of 36 trips.

The existing trips assessed by the applicant for Knights Yard scaffolding business appears to include the whole of that yard including the trips associated with the two areas which are to remain outside of this current proposed site area. Thus it would seem that the survey undertaken in March 2014 which generated a total of 39 trips [21 in AM and 18 in PM] includes the areas not within this proposed site area, thus there could be further trips associated still with the remaining use of Knights Yard. However, given the size of these 2 remaining areas these are likely to be low traffic generators and thus have a negligible impact on number of vehicular trips.

If the proposed 36 trips are added to phase 1 [49 dwellings and 8 business units] and to the 19 existing dwellings served by the existing access road [534 trips] this totals 570 vehicular trips that would use the access road at its junction with the A275 plus any residual trips associated with the remaining use of Knights Yard.

However, I am content that this proposal has demonstrated that there would not be unacceptable impact on the proposed right turn lane on the A275. The right turn lane arrangement on the A275 is still the correct means of access layout to serve the whole of the development [red and blue site areas] and existing dwellings/uses.

I also acknowledge that this proposal would seem to take away the commercial element and thus likely to be less HGV traffic to the site - which is welcomed.

2. Access/Visibility

Although the application is for Outline purposes only the access details onto the public highway need to be acceptable and dealt with at this stage in order that a satisfactory access can be obtained.

The application indicates that the improvements to the existing access road onto the A275 [South Road], including a new right turn lane on the A275, new footways, bus stop improvements and visibility will be provided in accordance with previous planning permission LW/14/0712. These works will need to be in place prior to commencement of this development to ensure adequate vehicular access and accessibility by all modes of transport are met.

3. Parking/Cycle Provision

The submitted planning application form states that 10 car parking spaces would be provided whereas the plans and transport statement state 2 allocated spaces for each dwelling [12 spaces] and 2 visitor parking spaces. Four of the allocated spaces are shown to be single garages. In accordance with East Sussex County Council's Parking Guidelines [October 2012] 14 parking spaces would be required for the proposed development and house type split, therefore the 14 spaces would be acceptable. However, the parking provision is to be dealt with at reserved matters stage and would be subject to the final layout at detailed planning application stage.

The planning statement also mentions that these garages will cater for refuse bins recycling bins and cycle provision. It should be noted that the internal measurements of these garages would need to be over 7m x 3m to cater for all these uses otherwise they will not be able to be considered as a parking space.

4. Demolition/Construction

It is noted that the applicant will provide a CEMP which will include a construction travel plan. The details of the CEMP to be agreed at detailed application stage. This would need to include routing of vehicles and management of workers vehicles to ensure no on-street parking occurs on either the access road or on the A275 during the whole of the demolition/clearance and construction phases.

5. Travel Plan

Although no Travel Plan is required for this site as the development does not warrant a full travel plan as it is below the threshold for the proposed residential uses. However, in order to reduce the reliance on the private motor car the applicant should commit to providing a travel plan pack which can be dealt with by a condition of the planning permission.

Tree & Landscape Officer Comments – Condition on tree protection measures during construction is required.

Natural England – Thank you for your consultation on the above dated and received by Natural England on 17 January 2017.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended) The National Park and Access to the Countryside Act 1949 Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites - no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites.

Protected landscapes

The proposed development is for a site within or close to a nationally designated landscape namely South Downs AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w).

Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Forestry Commission – Ancient woodland is an irreplaceable habitat.

National Planning Policy Framework paragraph 118 states:

'planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss'

The Forestry Commission is a non-statutory consultee on developments in or within 500m of ancient woodland - further details.

Chailey Parish Council – Whilst Hamsey Parish Council supports the principle of this residential redevelopment, it does not consider the removal of all business units from the application to be a minor amendment. This site is a Protected Employment Site in saved policy HY1 of the Lewes District 2003 Local Plan. If the units were to be removed from the

plan, we would have preferred to have seen them situated instead in Part 2, Knights Court, where they could complement the existing 2 business units.

Hamsey Neighbourhood Plan (HNP) policies are not referred to and do not appear to have been regarded in this application.

With regards to the deletion of planned business units from the application, we refer to the following policies from the Hamsey Neighbourhood Plan 2015-2030, adopted by LDC:

LE2 Local services, community facilities and business uses which support the local community and contribute to the wellbeing of the community will be retained and supported. If premises are expanded or enlarged, it will be expected that appropriate parking provision will be made unless in exceptional circumstances.

LE3 Development and diversification of agricultural and other rural businesses will be supported. Diversification should not be detrimental to the environment or materially increase traffic.

LE4 Support will be given to new employment related developments that respect the character of the area including the special landscape setting of the Parish, that have regard to its context, are of an appropriate design and scale, and have an acceptable effect on residential amenity and highway safety.

LE5 Use of existing buildings and small-scale new buildings that are well integrated with existing buildings for business enterprise will be supported.

For these reasons, we believe the employment units should remain.

The parish Council strongly objects to the lack of Community Space afforded to future residents.

In our time of increasing social isolation and loneliness we feel the new residents deserve at the very least a community space, even if the applicants are not prepared to offer a community building. The communal area to connect and socialise, without the need to drive to an outside destination, is considered fundamental in building a sense of community, especially in an isolated location such as The Old Hamsey Brickworks.

A shared use path connecting the development to Cooksbridge (See policy TT2 of HNP Sustainable Travel. Developments will maximise opportunities to walk and cycle, including between Hamsey School, Cooksbridge station, Beechwood Hall and the South Downs National Park by providing footways and cycleways where appropriate.), Parking at Hamsey school, a larger playground in the development, sympathetic woodland management and a community building were all requests not seriously pursued by the applicants outside of engagement meetings and most omitted from the community engagement records.

The very least that this plan should offer is a designated communal space where residents have a hope of gathering as a community.

Part 2: Support.

Overall, we consider the design to be an improvement. We would like to express our concern though over the lack of safe playing/cycling space for children to play together. Business units here seem the more appropriate.

ESCC Archaeologist – The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions which are outlined in this response.

ESCC Transport And Environment Group – Policy WMP6 of the Waste and Minerals Plan 2013 safeguards existing waste management facilities, sites which have planning permission but have not yet been developed for that purpose, and sites allocated for waste uses in an extant development plan document.

Policy WMP6 indicates that to ensure waste management capacity in the Plan Area is maintained and enhanced, waste management sites as described above will be safeguarded unless it is demonstrated that alternative capacity is permitted and delivered

elsewhere within the Plan Area, or unless it is demonstrated that the waste management provision is no longer needed to meet either local or strategic needs. The Policy states that development proposals which would prevent or prejudice those sites for waste management uses will be resisted.

The Waste and Minerals Sites Plan identifies Old Hamsey Brickworks as a safeguarded waste site under WMSP-WCA/X Old Hamsey Brickworks, South Chailey. The site subject to this application is approximately 20 metres west of the safeguarded location and falls within a Waste Site Consultation Area. Policy WMP6 states that Waste Consultation Areas "help to ensure that existing and allocated sites for strategic waste management facilities are protected from development that would prejudice an existing or future waste management use".

Permission (LW/14/0712) was recently granted for redevelopment of this site for housing and employment. Policy SP6 of the Waste and Minerals Sites Plan, (adopted 7 February 2017) states that on the implementation of this permission the safeguarding would cease to have effect. We would refer you to the comments that we made on this application. Given the likelihood that Old Hamsey Brickworks will not come forward for a waste management use, this application, if permitted and implemented, is not considered likely to prejudice the sites allocated use.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

6 letters of support - improvement over the existing scaffolders, improved residential environment, residential and commercial uses don't mix. Mentioned that there is a need to consider lighting, landscaping, pedestrian access should be on the north side to improve pedestrian safety, would like to see a community building, Still major concern over the access.

1 letter of objection - removal of asbestos, footpath should be on the northern side of the lane

6. PLANNING CONSIDERATIONS

6.1 Material Considerations

Policy

6.2 Planning law requires that all planning applications must be determined in accordance with the development plan, unless material circumstances indicate otherwise. The development plan for this area currently consists of recently adopted Joint Core Strategy, the retained policies of the Lewes District Local Plan 2003, and the recently adopted Hamsey Neighbourhood Plan.

NPPF

6.3 Paragraph 14 suggests that at the heart of the NPPF is a presumption in favour of sustainable development.

6.4 Paragraph 15 states that policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development, which is sustainable, can be approved without delay.

6.5 Paragraph 22 states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no

reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits.

6.6 Paragraph 51 states that local authorities must approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B1 Use Class) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

Joint Core Strategy

6.7 Core Policy 2 relates to housing type, mix and density aims to maximise opportunities for re-using suitable previously developed land and to plan for new development in the highly sustainable locations without adversely affecting the character of the area.

6.8 Core Policy 4 relates to encouraging Economic Development and Regeneration and states that the Council should seek to safeguard existing employment sites from other competing uses unless there are demonstrable economic viability or environmental amenity reasons for not doing so. This will include:

- i. A demonstrated lack of tenant/occupier interest;
- ii. A demonstrated lack of developer interest;
- iii. Serious adverse environmental impacts from existing operations;
- iv. Where the site is otherwise unlikely to perform an employment role in the future;
- v. Where the loss of some space would facilitate further/improved employment floorspace provision

6.9 Core Policy 13 refers to the need to promote sustainable travel. The local planning authority will promote and support development that encourages travel by walking, cycling and public transport and reduce the proportions of journeys made by car, in order to help achieve a rebalancing of transport in favour of sustainable modes

Lewes District Local Plan saved policies -

6.10 Policy ST3 states that development requiring planning permission will be expected to comply with the certain criteria and be supported by a justification statement where necessary, in order to create and maintain a pleasant and attractive environment throughout the District for the benefit of the present and future generations.

6.11 Policy RES6 relates to residential development in the countryside. The policy states that outside the planning boundaries planning permission for new residential development will be refused unless:

- a) It is in conformity with the criteria detailed in policy RES10 (rural exceptions policy outlined below), or
- b) It is demonstrated by the applicant that there is a clear established existing functional need for an enterprise to be in a countryside location, there is a proven need for someone to live on site, and that the enterprise is economically viable.
The residential development must also:
- c) Be sited in a location appropriate to its surroundings and to the enterprise concerned (if applicable),
- d) Comply with all other relevant district-wide policies.

Hamsey Neighbourhood Plan

6.12 The site has no formal designation within the recently adopted Hamsey Neighbourhood Plan. Paragraph 184 of the NPPF is quite clear that "Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies." On this basis, whilst the proposed development of this site does not necessarily accord with the overall vision or objectives of the HNP, other than the objective that 'brownfield sites to be developed for improved functionality and aesthetics where feasible'. The plan is silent on the change of uses of business premises other than the objective to 'strengthen and support economic activity in the Parish appropriate in scale to the size of the Parish'.

6.13 The Plan seeks to 'deliver a housing growth strategy tailored to the needs and context of Hamsey Parish with an appropriate level of housing to meet local needs' and 'To ensure housing developments use natural resources and incorporate ecologically sound design, offer appropriate green space and utilise available natural resources to reduce our ecological footprint and minimise the need for fossil fuels' as well as 'To ensure housing developments are located close to major transport hubs (notably Cooksbridge Railway Station), within easy access to shops, community facilities and to green open space. Brownfield sites to be developed for improved functionality and aesthetics where feasible'.

6.14 On the basis that the JCS is the overarching strategic policy document which does address the change of use of commercial sites and premises, it is not considered that the proposed development should be resisted in principle.

Loss of employment

6.15 The application site is located outside of the defined employment area as set out under Policy HY1 of the Lewes District Local Plan and therefore is not a protected employment site. Therefore any development proposal would need to be considered against Core Policy 4 set out above.

6.16 The applicant has carried out a marketing exercise over the last 2 years not only for this site but in relation to the Old Hamsey Brickworks site, which has secured outline permission for 8 commercial units with 49 residential units as enabling development (for the commercial floorspace). A marketing report, prepared by Flude Commercial, was submitted to support the current application. The report concludes that ongoing commercial use of the site is not economically viable. The report undertakes a search of office space within a five mile radius of the subject property and demonstrates that there is only a limited availability of offices in Lewes and Uckfield. Rents for the available employment space are typically very low and vary from £10/sq ft - £15sq ft. The report draws three main conclusions:

1. There is a limited supply of office space in the area because there is limited demand;
2. There is virtually no supply of office accommodation outside of the larger towns of Lewes and Uckfield, because there is no demand; and
3. Rents on available office space within a 5mile radius of the property are at levels which do not make the development of new office space commercially viable.

6.17 In summary, the report concludes that there would be no demand from office occupiers for office spaces built in this location and that there is little evidence of there being an office market for the location. The report also sets out the marketing history of the existing business units located on Knights Court. The former owners of the adjoining property, Knights (Sussex) Ltd, have marketed the offices and commercial units following the previous tenants vacating the property due to the restrictions on hours of use (it being adjacent to residential accommodation). The accommodation was offered to the market as a whole and in parts, offering as much versatility as possible. Despite being widely

marketed during 2013 and 2014 the only interest was a handful of viewings but no offers. The property was eventually sold in 2014.

6.18 Submitted residual appraisals for the site for either office or light industrial development result in a significant negative site value and therefore it would not be financially viable to develop the site on a speculative basis.

6.19 Speculative commercial development on this site is therefore unlikely to take place, and any such development would require guaranteed pre-lets in order to bring about development. The on-going marketing of this and the adjoining sites (over a period of 2 years) has highlighted the lack of commercial interest. The existing business, whilst not resulting in serious environmental impacts, does have some detrimental impact on residential amenity, as well as impacting on the outlook and general character of the area. Therefore it is considered that the proposed development is not contrary to Core Policy 4 in terms of the loss of employment on the site.

Appropriateness of residential development

6.20 Policy RES6 relates to residential development in the countryside. The policy states that outside the planning boundaries planning permission for new residential development will be refused unless certain criteria are met. These are:

- a) It is in conformity with the criteria detailed in policy RES10 (rural exceptions policy outlined below), or
- b) It is demonstrated by the applicant that there is a clear established existing functional need for an enterprise to be in a countryside location, there is a proven need for someone to live on site, and that the enterprise is economically viable.
Any residential development must also:
- c) Be sited in a location appropriate to its surroundings and to the enterprise concerned (if applicable),
- d) Comply with all other relevant district-wide policies.

6.21 Whilst it is clear that the redevelopment of the site for residential development would not comply with the objectives of this policy, there are other material considerations that need to be considered. The ultimate vacancy of the site would create a brown field site with little realistic prospect of commercial activity taking place. The site is close to existing residential dwellings (to the west and south) with further residential development approved for the former Old Hamsey Brickworks site to the east (which was a designated employment site).

6.22 The site is relatively isolated and other than housing, would offer little to attract alternative uses. Whilst the Council does currently have a 5 year housing land supply, securing additional housing on brownfield sites will help to reinforce that supply and resist further proposed housing developments on greenfield sites.

6.23 The proposed change of use of the land and its redevelopment for housing is broadly supported by residents living in close proximity or adjacent to the site, who consider that housing would be a better neighbour and would fit in with the general character of the site and surroundings.

Highways/Traffic

6.24 ESCC highways have commented that, having considered the application and the amended transport statement, there is no objection to this outline application for 6 dwellings.

6.25 In terms of trip generation and the impact of traffic, they have considered the likely number of trips generated by the current proposal as well as those likely to be generated by the main development on the larger adjacent site, as well as considering the number and type of vehicle movements associated with the commercial use of the site. They have concluded that this proposal has demonstrated that there would not be unacceptable impact on the proposed right turn lane on the A275. The right turn lane arrangement on the A275 is still the correct means of access layout to serve the whole of the development [red and blue site areas] and existing dwellings/uses. They also acknowledge that this proposal would seem to take away the commercial element and thus there is likely to be less HGV traffic to the site.

6.26 The application indicates that the improvements to the existing access road onto the A275 [South Road], including a new right turn lane on the A275, new footways, bus stop improvements and visibility will be provided in accordance with previous planning permission LW/14/0712, and which were considered acceptable. This would be secured through a condition attached to the permission.

6.27 The site provides adequate space to provide sufficient car and cycle parking.

6.28 Comments from local residents concerning the location of the footpath have been noted. However as the access to the site is dependent on the implementation of the works approved under LW/14/0712, which considered and accepted the location of the path on the southern side of the access track, the proposal is considered acceptable.

Residential amenity

6.29 Whilst the current site does include a building, large parts of it are not enclosed. The yard itself where the scaffolding is stored is open and on racks. Access to the yard is from the south and the narrow partly unmade track, and passes close to a number of residential properties. The site is generally quiet during the day, with most activity at the beginning and end of the day when the scaffolding is loaded/unloaded onto or from lorries. This, because of the nature of the material, can be noisy.

6.30 That being said, whilst the council has received complaints in the past from operations on the surrounding commercial premises, there have not been any recent complaints. However, a scaffolding yard is not a use that would be generally considered acceptable in close proximity to residential properties, simply because of its impact on residential amenity. Therefore the replacement of this use would improve the amenity in this countryside location. The marketing report does indicate that redeveloping the site for commercial use would be unlikely to be financially viable, and therefore the sites redevelopment to provide a further 6 units of residential accommodation would not be out of place with the 23 existing dwellings and the 49 units recently approved on the adjacent site.

6.31 The new dwellings would be located to the southern part of the site with a north /south orientation, and set back from the access track. Car parking for all the dwellings would be located to the rear (north) and each dwelling would have a minimum of 2 spaces. Access to this parking area would be to the east of the new dwellings, utilising the existing road which serves Knight's Court. Additional landscaping and tree planting would be provided to soften the appearance of the access track and the rear parking area.

6.32 The removal of the existing building which sits along the western boundary of the site would improve the outlook for the existing residential occupiers, and the wider character and appearance of the area.

6.33 It is therefore not considered that the new dwellings would detrimentally impact on the amenity of the existing adjacent occupiers, through noise, overshadowing, overbearing or loss of privacy, and would sit comfortably into the existing character of the area, which is becoming predominantly residential.

Conclusion

6.34 The proposal will result in the loss of a commercial site, albeit one that has no formal designation. However the current use is not without its issues in terms of impact on wider amenity, and in terms of commercial use, it has been accepted that there is little demand for commercial floorspace in this area. Whilst the site is located in the countryside, outside of a defined settlement boundary, and therefore not the most sustainable of locations, it is reasonably close to Chailey, Hamsey and Lewes, and the surroundings are developing into a small enclave of housing.

6.35 On balance it is considered that the development of a further 6 residential units on this brownfield site would fit in with the surrounding residential land use without compromising the objectives of the statutory plans. Therefore planning permission should be granted.

7. RECOMMENDATION

That planning permission is granted subject to conditions.

The application is subject to the following conditions:

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To meet the provisions of paragraph (1) of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development to which this permission relates shall be begun before the expiration of two years from the date of the final approval of the last of the Reserved Matters.

Reason: To meet the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

3. The development hereby permitted shall be carried out in accordance with the following approved plans in respect of those matters not reserved for later approval: Knights Court Illustrative Masterplan OHT 250/101 Rev C and Transport Statement dated March 2017 by Icen Projects Ltd as well as plan OHT 200/101 Rev D.

Reason: To ensure a satisfactory development in keeping with the locality having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

4. Before the development hereby approved is commenced on site, details and samples of all external materials including facing and roofing materials, and all external fenestration and doors, together with detail and samples of all surfacing materials shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason: To ensure a satisfactory development in keeping with the locality having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

5. No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include:

a) a timetable for its implementation;

b) the layout, levels, landscaping and fencing, as necessary, of the scheme;

c) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: In the interests of amenity of the wider area and to ensure satisfactory method of drainage is provided on site having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

6. No part of the development hereby permitted shall be occupied until works for the disposal of sewage have been provided on the site to serve the development, in accordance with details which have first been submitted to and approved in writing by the local planning authority.

Reason: In the interests of amenity of future occupiers of the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

7. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the development is occupied or in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity of the wider area having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

8. No development shall take place until there have been submitted to and approved in writing by the local planning authority details of all hard and soft landscaping works, including a planting schedule (that schedule to include the quantity, size, species and positions or density of all trees and shrubs to be planted, how they will be protected and the proposed time of planting) and including details of the planting scheme for the 15m wide buffer. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the local planning authority.

Reason: In the interests of amenity of the wider area having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012

9. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, but including Kiln Wood shall be submitted to and approved in writing

by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interests of amenity of the wider area having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

10. If within a period of 5 years from the date of planting any tree (or tree planted in replacement for it) dies, is removed or becomes seriously damaged or diseased it shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: In the interests of amenity of the wider area having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

11. In this condition 'retained tree' means an existing tree which is to be retained in accordance with any approved plans and particulars. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement), in accordance with British Standard BS5837: Trees in Design, Demolition and Construction - Recommendations and the following paragraphs (a) to (f) below, has been submitted to and agreed in writing by the local planning authority:

a) All tree work shall be carried out in accordance with British Standard BS3998: Recommendations for Tree Work;

b) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 5 years from the date of the first occupation of the last unit, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority;

c) If any retained tree is cut down, uprooted, destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and planted at such time as may be specified in writing by the local planning authority;

d) No fires shall be lit within 20 metres of the nearest point of the canopy of any retained tree;

e) No equipment, machinery or structure shall be attached to or supported by a retained tree;

f) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area. The scheme shall thereafter be implemented as approved.

Reason: In the interests of amenity of the wider area having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

12. No works or development shall take place until a scheme of supervision for the arboricultural protection measures required by condition 12 has been approved in writing by the local planning authority. This scheme will be appropriate to the scale and duration of the works and will include details of:

a) Induction and personnel awareness of arboricultural matters;

b) Identification of individual responsibilities and key personnel;

c) Timing and methods of site visiting and record keeping, including updates;

d) Procedures for dealing with variations and incidents;

e) The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved in writing by the local planning authority. The scheme of supervision shall be implemented as approved.

Reason: In the interests of amenity of the wider area having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

13. No development or works in connection with this development including site preparation works shall take place until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The Plan shall provide information including details and plans to indicate:

- a) anticipated number, frequency, and types/size of vehicles to be used during construction;
- b) methods of access and routing of vehicles during construction, avoiding peak traffic times;
- c) parking of vehicles of site operatives and visitors/deliveries;
- d) loading and unloading of plant, materials and waste;
- e) storage of plant and materials used in construction of the development;
- f) the appearance, erection and maintenance of security fencing;
- g) provision (and use on all vehicle leaving the site) of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- h) measures to manage all environmental effects of the development during the demolition and construction period, including traffic (including a workers' travel plan, noise, vibration, dust, air pollution and odour, including those effects from the decontamination of the land (if appropriate) control the emission of dust and dirt during demolition and construction;
- i) lighting for construction and security;
- j) public engagement both prior to and during construction works;
- k) details of how the public can contact the project manager should they need to raise concerns and resolve issues that arise during construction, including the means of recording such complaints and action taken.
- l) details of advance warning signs of horses using the A275 (including a plan to show form of signs and their locations)

The approved Plan shall thereafter be implemented and adhered to during the entire construction period.

Reason: In the interests of local amenity having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

14. Demolition and construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0830 hours to 1300 hours on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

Reason: In the interests of local amenity having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

15. No development shall take place until details of finished floor levels and ground levels in relation to the existing ground levels of neighbouring land and ground floor levels of neighbouring dwellings have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of local amenity having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

16. No development shall take place until details of the facilities for the storage and removal of refuse from the permitted scheme have been submitted to and approved in writing by the local

planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of local amenity having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

17. No external lighting or floodlighting shall be installed on the buildings hereby permitted or the wider site without the prior written approval of the local planning authority.

Reason: In the interests of local amenity having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

18. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development described in Part 1 Classes A to F of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

19. Buildings constructed or refurbished before 2000 may contain asbestos. Accordingly a Demolition asbestos survey should be undertaken by a competent person in accordance with the guidance given in HSG264 Asbestos: The survey guide. A copy of the report should be provided to the local planning authority together with a mitigation plan that removes the risk to future occupiers of exposure to asbestos.

Reason: To ensure that risks from asbestos to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 12.0 and 12.1].

20. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A site investigation scheme, based on the submitted Geoenvironmental and Geotechnical Phase I Assessment (Buro Happold, Dated 6th January 2017, ref: 032634, revision 1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The site investigation results and the detailed risk assessment, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 12.0 and 12.1].

21. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 12.0 and 12.1].

22. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 12.0 and 12.1].

23. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 12.0 and 12.1].

24. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework

25. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [1] to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework

26. No part of the development shall be occupied until the car parking spaces have been constructed and provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide car-parking space for the development in the interests of local amenity having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

27. Any garage building(s) shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

28. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport having regard to Core Policy 13 of the Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

29. No part of the development shall be occupied until the vehicle turning space has been constructed within the site in accordance with details submitted to and approved in writing by the Local Planning Authority. This space shall thereafter be retained at all times for this use and shall not be obstructed.

Reason: In the interests of road safety having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

30. No development shall commence until all the off site highway works approved under planning permission LW/14/0712 which includes the access/A275 junction improvements has been constructed in accordance with those approved drawings.

Reason: In the interests of road safety having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

INFORMATIVE(S)

1. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your

obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

2. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

3. The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact the Transport Development Control Team (01273 482254).

4. The applicant is advised that the erection of temporary directional signage should be agreed with Transport Development Control Team prior to any signage being installed. The applicant should be aware that a Section 171, Highways Act 1980 licence will be required.

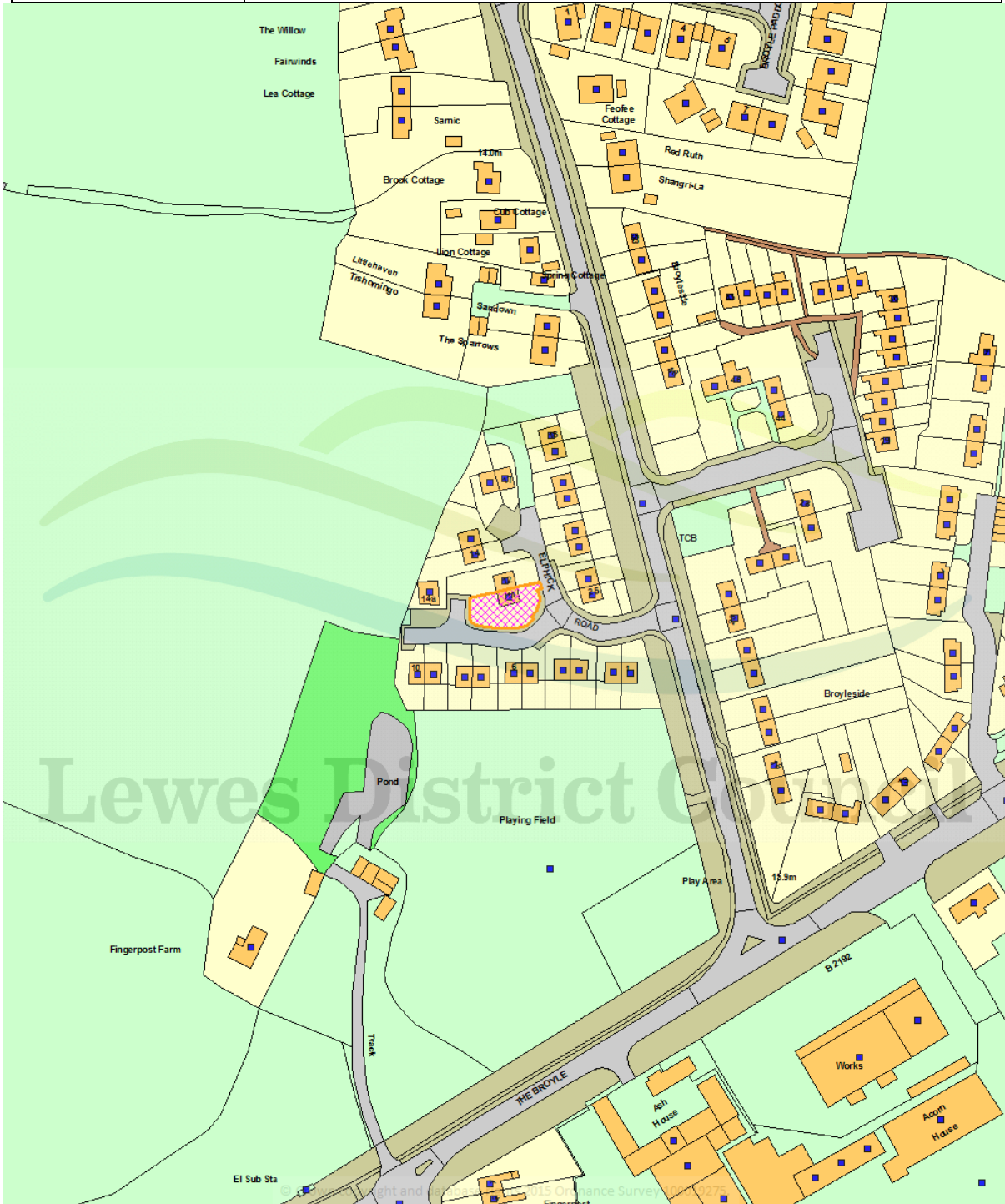
5. It is noted that this proposal includes the narrowing of the main access road to 3.5m. Although the main access road [and internal estate roads are to remain private the narrowing of the road at this point is not considered ideal given the close proximity to the A275 and to the rear access serving Bevern Bridge Cottages. The road layout would therefore need to be discussed, along with refuse vehicle tracking provided, and form part of the detailed application at a later date.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Planning Statement/Brief	27 March 2017	
Flood Risk Assessment	12 January 2017	
Transport Assessment	27 March 2017	
Tree Statement/Survey	12 January 2017	
Design & Access Statement	12 January 2017	
Location Plan	12 January 2017	100/100
Illustration	27 March 2017	200/101 D
Other Plan(s)	12 January 2017	960/SAH/01 REV 3 DRAINAGE LAYOUT
Additional Documents	13 January 2017	ARCHAEOLOGY REPORT
Additional Documents	13 January 2017	ECOLOGY REPORT

Technical Report	12 January 2017	GEOENVIRONMENTAL APPENDIX D.1
Technical Report	12 January 2017	GEOENVIRONMENTAL APPENDIX D.2
Technical Report	12 January 2017	GEOENVIRONMENTAL APPENDIX D.3
Technical Report	12 January 2017	GEOENVIRONMENTAL PHASE 1 ASSESSM
Additional Documents	12 January 2017	MARKETING REPORT
Additional Documents	12 January 2017	SUSTAINABILITY AND ENERGY STATEM

APPLICATION NUMBER:	LW/16/0930	ITEM NUMBER:	10
APPLICANTS NAME(S):	Mr & Mrs Manthorpe	PARISH / WARD:	Ringmer / Ouse Valley & Ringmer
PROPOSAL:	Planning Application for Erection of two storey attached dwelling		
SITE ADDRESS:	11 Elphick Road Ringmer East Sussex BN8 5PR		
GRID REF:	TQ 45 13		



1. SITE DESCRIPTION / PROPOSAL

SITE DESCRIPTION

1.1 The application site is occupied by a two-storey, semi-detached, dwellinghouse located on a corner plot within a development of similar houses accessed off the west side of Broyle Lane, to the east of Ringmer village.

1.2 The application site is located within the defined Planning Boundary. The property is not Listed or situated in a Conservation Area.

1.3 The property was built in the early 1990s and has a traditional form with pitched roof and gable end, porch canopy, tile hanging to the first floor, and facing brick walls to the ground floor. The fenestration is dark brown in colour, typical of this period. The other properties in Elphick Road are near identical and this is due to a restrictive condition removing permitted development for minor works, including replacing the windows (condition 2 of LW/89/1517).

1.4 Being located on a corner plot there is an area of side garden next to the existing house. The proposal relates to this area of land, which is to be sub-divided in order to create a plot for a new dwelling.

PROPOSAL

1.5 The application seeks planning permission for the erection of an additional two-storey dwelling alongside the existing house, to form a terrace of the three houses.

1.6 The new house will match in all respects the existing house. The new dwelling will have a pitched roof and gable end and a pitched roof overhang to the front porch. The upper floors will be tile hung and the ground floor constructed using facing brickwork. Both the eaves line and ridge line of the existing house will run through into the new dwelling.

1.7 The new house will comprise living and dining area; kitchen and hallway on the ground floor, together with a bike store and bin store next to the outer wall. On the first floor there will be two bedrooms and a bathroom.

1.8 The front garden of the existing house will be re-modelled to provide two off-street car parking spaces. The new dwelling will also have two off-street car parking spaces.

2. RELEVANT POLICIES

LDLP: – CT01 – Planning Boundary and Countryside Policy

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – SP2 – Distribution of Housing

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP13 – Sustainable Travel

LDLP: – RNP83 – Policy 8.3-Off-Road Parking

3. PLANNING HISTORY

LW/16/0930 - Erection of two storey attached dwelling -

LW/02/2164 - Two storey side extension - **Approved**

LW/89/1517 - Residential development of twenty four two-bedroom houses and recreational land. Deemed Permission. Restrictive Planning Condition No.2. at Finger Post Field. - **Approved**

LW/88/0529 - Outline for residential development of twenty-two three- bedroom houses and recreation ground at Finger Post Field, Broyle Lane. (Superseded by later application). - **Withdrawn**

APPEAL/72/1119 - Development Appeal - **Dismissed**

E/72/1119 - Outline Application for erection of dwellings. - **Refused**

E/71/0345 - Outline Application for erection of dwellings. - **Refused**

E/68/0304 - Outline Application for the erection of residential dwellings at Broyle Lane. - **Refused**

E/63/0005 - Outline Application for residential development. - **Refused**

E/55/0572 - Outline Planning Application for six pairs of dwellings. - **Refused**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Ringmer Parish Council – Ringmer Parish Council do not support this application and advise that adequate parking provision needs to be supplied to be in accordance with Ringmer Neighbourhood Plan Policy 4.6. Both 11 & 11a should have 2 parking spaces.

Members also consider the proposal to be overdeveloped and will create a significant impact on the street scene.

Policy 4.6: All new development in Ringmer must make adequate provision for off-road parking for the numbers and types of vehicles likely to be attracted by the development. Parking for new development in the countryside should be appropriately located or screened to minimise landscape impact. New residential development should include off-road parking provision at the following minimum ratios:

- 1 parking space per 1-2 bed home designed specifically for older residents
- 2 parking spaces per 1-3 bed home
- 3 parking spaces per 4 bed or larger home

Proposals for residential extensions should not reduce off-road parking below these levels. In addition new developments should make provision for off-road visitor parking and cycle parking, in accordance with the scale recommended by East Sussex County Council.

ESCC Highways – The space does not appear to encroach on the highway and is therefore acceptable, however pedestrian visibility will need to be maintained with the fence line below 600mm.

A demarcation line should also be provided to ensure that parking doesn't take place on the highway.

Southern Gas Networks – No objection

ESCC Archaeologist – No objection

Although this application is situated within an Archaeological Notification Area, it is not believed that any significant below ground archaeological remains are likely to be affected by these proposals. No further recommendations.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 Representations have been received from 6, 7, 12, 22, 23 Elphick Road; and Fair Meadow, Rushey Greet, objecting to the application for the following reasons:-

- Inadequate access
- Loss of open space
- Loss of trees, impact on nesting birds
- Noise and disturbance
- Busy and overcrowded
- Out of character
- Over development
- Overbearing building/structure
- Overlooking, loss of privacy
- Parking issues
- Pedestrian safety
- Traffic generation
- Contrary to policy
- Effect on town centre viability

6. PLANNING CONSIDERATIONS

6.1 The main considerations in the determination of the application include the principle of development, design and appearance, impact on neighbour amenity, and accessibility and transport.

Principle of development

6.2 Spatial Policy 2 of the Joint Core Strategy "Distribution of Housing" states that the housing needs of the district can be met in part by allowing new homes on unidentified infill sites with Planning Boundaries. In this case the plot is within the Planning Boundary of Ringmer and the net increase of one dwelling will help, albeit in a small way, to meet housing demand.

6.3 The comments received from neighbours in respect of the Ringmer Neighbourhood Plan having allocated sites to meet housing provision within the village are noted. However, these site allocations are not a cap on the number of houses to be provided, and where suitable, sustainable sites come forward within the Planning Boundary, due consideration should be given.

6.4 In this instance the proposal to provide an additional dwelling meets policy requirements in principle and in this location is acceptable.

Design and appearance

6.5 The plot is of sufficient size to accommodate the new dwelling proposed. The new dwelling will match the proportions of the existing house and will form a row of three houses in a terrace. A gap will be retained between the side of the new house and the street and in terms of the spatial arrangement and layout the new dwelling would not be out of keeping with the aesthetics of the close.

6.6 In respect of external materials and finishes, design and detailing, the new dwelling will match existing houses and will not have an incongruous appearance.

6.7 The neighbour comments in respect of the development resulting in a terrace and affecting the value of existing properties, which are semi-detached, are noted. However, the impact of development on adjoining property values is not a material consideration in determining whether to grant planning permission.

Impact on neighbour amenity

6.8 Being situated on a corner plot at a curve in the street, there are no immediate neighbours to the proposed development apart from the adjoining house, no. 11 Elphick Road. To the rear the new dwelling will have a back garden, beyond which is a turning head, the nearest house beyond this being 14a Elphick Road. Opposite the application site is 25 Elphick Road but the new house will follow the building line of nos. 11 and 12 Elphick Road and as such would be no more intrusive than the existing houses. The comments from the occupiers of properties to the side of the new dwelling are noted, these being nos. 5 and 6 Elphick Road. However, there is a good degree of spatial separation and no windows or other openings are proposed on the flank elevation of the new dwelling. Accordingly it is not considered that these neighbouring residents will be overlooked.

6.9 In terms of the standard of accommodation for future residents, the layout of the new dwelling is considered to be satisfactory and will mirror the layout of the existing house, no. 11 Elphick Road. Future residents will benefit from a private back garden commensurate in size with other within the close, along with secure bike storage and bin storage facilities.

Accessibility and transport

6.10 Policy 8.3 of the Ringmer Neighbourhood Plan requires new development to make adequate provision for off-road parking for the numbers and types of vehicles likely to be attracted by the development. For a new 2-bedroom house the parking requirement is 2 spaces.

6.11 Following the initial comments from the Ringmer Parish Council, the applicant has amended the plans to incorporate two off-street car parking spaces for both the existing house and also the new dwelling. These spaces will be a minimum of 4.8m by 2.4m and meet the requirements of the ESCC highway authority and vehicles will not overhang the public footway. ESCC highway authority has confirmed that it is satisfied with the size and position of the proposed off-street car parking spaces subject to the applicant applying separately for a Licence to create the dropped kerbs and vehicular crossovers.

6.12 The application site is 1.5km from the centre of Ringmer village to the west, which provides local shops and services including a sub-Post Office, pharmacy and food shop. In addition there are bus stops for the 28 route on Broyle Lane very near to Elphick Road, providing a bus service to Lewes, Brighton, Uckfield and Tunbridge Wells.

6.13 In summary, the application site is in a reasonably sustainable location in terms of access to public transport alternatives to the car and local shops and services. The

development will also provide off-street car parking in accordance with the policy requirements set out in the Ringmer Neighbourhood Plan.

7. RECOMMENDATION

The application is recommended for approval.

The application is subject to the following conditions:

1. This planning decision relates solely to the plan(s) below:
2. The development hereby approved shall be finished in external materials and finishes to match those used in the walls and roof of the existing building, 11 Elphick Road, and retained as such thereafter unless otherwise agreed in writing by the local planning authority in an application on that behalf.

Reason: To ensure a satisfactory development in keeping with the locality having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

3. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the first occupation of the new dwelling hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the general appearance of the development having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

4. All hard surfaces incorporated into the development hereby approved shall be constructed from porous or permeable materials or designed to direct surface run-off to soakaways within the application site.

Reason: In order to drain surface run-off water naturally in the interests of sustainability and reducing the risk of flooding, in accordance with Core Policies 11 and 12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to National Planning Guidance contained in the National Planning Policy Framework 2012.

5. Construction work and deliveries in association with the development hereby permitted shall be restricted to between the hours of 0800 and 1800 Mondays to Fridays and from 0830 until 1300 on Saturdays. No works in association with the development hereby permitted shall be carried out at any time on Sundays or on Bank/Statutory Holidays.

Reason: In the interests of the residential amenities of the neighbours having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

6. No development shall be carried out until a Construction Traffic Management Scheme has been submitted to and approved by the Local Planning Authority. This shall include details of the locations for the parking of contractors' and delivery vehicles, and the locations for the stationing of plant/machinery and materials clear of the public highway.

Reason: In the interests of highway safety having regard to retained retained policy ST3 and Core Policies 11 and 13 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

7. Notwithstanding the provisions of the Town and Country (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development as described in Schedule 2, Part 1, Classes A and B, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing in an application on that behalf.

Reason: Further extensions, alterations and a more intensive development of the site would be likely to adversely affect the appearance and character of the development, the area and neighbour amenity, having regard to retained policies ST3 and RES13 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

8. The new dwelling hereby approved shall not be occupied until the cycle parking facility has been provided in accordance with the approved drawings, and the facility shall thereafter be retained for that use and shall not be used other than for the parking of cycles used by occupants of and visitors to the development hereby permitted.

Reason: In the interests of amenity and to provide for alternative methods of transport to the private car in accordance with retained policy ST3 and Core Policy 13 of Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

INFORMATIVE(S)

1. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

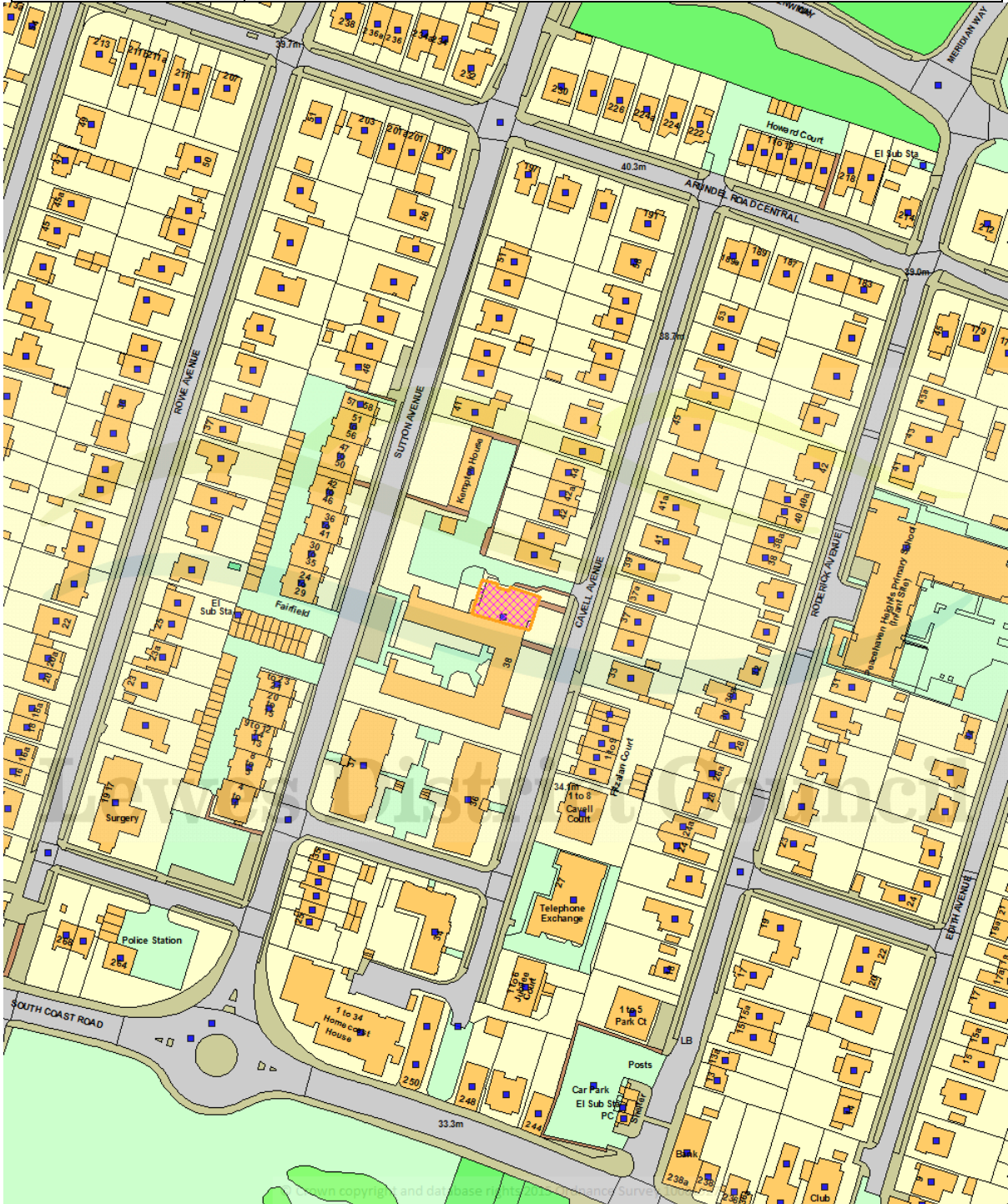
2. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	2 November 2016	
Biodiversity Checklist	2 November 2016	
Additional Documents	6 February 2017	HER REPORT
Planning Statement/Brief	6 February 2017	HERITAGE STATEMENT
Proposed Block Plan	30 March 2017	1:500

Proposed Elevation(s)	30 March 2017	1:100
Proposed Floor Plan(s)	30 March 2017	1:50
Location Plan	30 March 2017	1:1250

APPLICATION NUMBER:	LW/17/0179	ITEM NUMBER:	11
APPLICANTS NAME(S):	Housing Services	PARISH / WARD:	Peacehaven / Peacehaven West
PROPOSAL:	Planning Application for Conversion of 3 bedroom flat into two 1 bedroom flats		
SITE ADDRESS:	Meridian Court 38 Cavell Avenue Peacehaven East Sussex		
GRID REF:	TQ40 01		



SITE DESCRIPTION / PROPOSAL

1.1 Planning permission is sought for the conversion of a 3 bedroom flat to 2 x 1 bedroom flats at this sheltered housing scheme in Peacehaven. The building is owned by Lewes District Council.

1.2 The property is a two storey building comprising of 34 flats in use as sheltered housing accommodation. The flat to be converted is located on the north-east corner of the building at first floor level. The current use of the flat as sheltered housing accommodation would not change. Internally the space would be divided into 2 x 1 bedroom flats by reconfiguring the space and installing stud walls. Each flat would have a bedroom, open plan kitchen, lounge, diner and a bathroom. The conversion works would provide accessible living accommodation.

1.3 Other than the addition of vents and extractors there would be no external changes to the building.

1. RELEVANT POLICIES

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – ST03 – Design, Form and Setting of Development

2. PLANNING HISTORY

E/55/0409 - Outline Application to erect seven pairs of semi-detached bungalows and one detached bungalow. - **Refused**

E/70/0976 - Outline application for thirty elderly persons flats, wardens accommodation and day centre on land between Sutton Avenue & Cavell Avenue. Approved by ESCC. - **Approved**

E/71/0728 - Erection of building comprising thirty elderly persons flats and warden's accommodation between Sutton and Cavell Avenues. Approved Conditionally by ESCC. - **Approved**

E/72/1334 - Erection of building comprising elderly persons flats, wardens accommodation and communal facilities. Approved Conditionally by ESCC, 28/09/1972. -

LW/75/1272 - Planning and Building Regulations applications for car port/garage. Building Regs approved. Completed. - **Approved**

LW/93/1019 - Lift Shaft. - **Approved**

3. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Environmental Health – I recommend a condition which would help protect neighbouring residents from impacts associated with the construction of this proposed conversion: *1. Hours of operation at the site during any demolition, site clearance, preparation and construction shall be restricted to 08:00 to 18:00 hours Monday to Friday and 09.00 to 13:00 hours on Saturdays. No working is permitted at any time on Sundays or Bank Holidays. No machinery shall be operated, no process shall be carried out and no*

*deliveries or collections shall be made at the site outside of these specified times.
REASON: to protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.*

4.2 Main Town Or Parish Council – No Objection with the proviso site hours limited to Monday-Friday 08:00 to 18:00 and Saturday 08:00 to 13:00, no working on Sundays or Bank Holidays, no plant and equipment to be started up outside of these hours, no loud music to be played. Require a Waste Minimisation Plan. Vehicles belonging to construction staff should not block access for other residents and should not be parked on grass verges or at junctions. Any damage to the grass verges during construction must be repaired by the developer. All construction equipment and supplies to be delivered between the hours of 09:30 and 14:30.

4. REPRESENTATIONS FROM LOCAL RESIDENTS

None

5. PLANNING CONSIDERATIONS

6.1 The main issues to consider are any impact resulting from the provision of an additional sheltered housing unit.

6.2 The use of the property would remain as existing but would provide an additional unit of accommodation. The need for a three bedroom flat at this sheltered housing site no longer exists whereas the need for 1 bedroom accommodation remains constant. Paragraph 7.24 of the Joint Core Strategy supports the need for smaller units of accommodation particularly for this type of housing where 1 bed units are most in demand with very little demand for 3 bed units. The provision of an additional unit at this site is considered to fulfil this need.

6.3 There are no other occupiers directly above or below the proposed flats and there would be no noise transference between properties. The flat is already used for residential purposes and the provision of one additional unit of accommodation would not exacerbate the existing situation or have any adverse impact on the residential amenities of neighbours.

6.4 There are no external works proposed by this application and therefore there would be no detrimental impact on the visual amenities or character of the area resulting from this proposal.

6. RECOMMENDATION

That planning permission is granted.

The application is subject to the following conditions:

1. Hours of operation at the site during any demolition, site clearance, preparation and construction shall be restricted to 08:00 to 18:00 hours Monday to Friday and 09:00 to 13:00 hours on Saturdays. No working is permitted at any time on Sundays or Bank Holidays. No

machinery shall be operated, no process shall be carried out and no deliveries or collections shall be made at the site outside of these specified times.

REASON: To protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

INFORMATIVE(S)

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	1 March 2017	1:1250
Existing Floor Plan(s)	1 March 2017	101-B
Proposed Floor Plan(s)	1 March 2017	101-B
Photographs	1 March 2017	101-B

Report to **Planning Committee**
Date **26 April 2017**
By **Director of Planning**
Local Authority **Lewes District Council**
Application **SDNP/16/05778/FUL**
Number
Applicant **Mr R Williams**
Application **Demolition of the existing building, which is currently B1 office use, and erection of five-bedroom house with double garage**
Address **Hanover House
Timberyard Lane
Lewes
BN7 2AU**

Recommendation: That the application be approved for the reasons and subject to the conditions set out in paragraph 10 of this report.

Executive Summary

This is brownfield site, within the defined planning boundary of Lewes in close proximity to the town centre and all its amenities. Whilst this proposal will result in the loss of a small amount of existing business floorspace, on the basis that the site has historically been allocated for residential redevelopment and is actually the only parcel of land within this former allocation that has not already been redeveloped for housing, in this particular instance, the loss of the business floorspace is considered acceptable.

The scale and massing of the proposed dwelling and its contemporary design is not considered to be out of keeping with its immediate context and overall the scheme is considered to preserve the character and appearance of this part of the Conservation Area. Given the localised impact of the proposed development it is not considered that this proposal would significantly affect the natural beauty or cultural heritage of the wider National Park.

The relationship with the neighbouring dwellings is considered acceptable and will not cause significant harm to the living conditions of the existing occupiers.

The access and parking arrangements are deemed satisfactory and it is not considered that the proposal will be at risk of flooding nor will it increase flood risk elsewhere.

Overall the proposal is considered comply with the relevant policies of the Development Plan and can be supported.

1 Site Description

1.1 The application site lies at the western end of Timberyard Lane on the eastern side of the River Ouse, towards the eastern edge of Lewes. The site is currently occupied by Hanover House, a large barn like building currently occupied as offices.

1.2 The site falls within the [Planning Boundary](#) of Lewes as defined by the Lewes District Local Plan and also falls within a designated Conservation Area and the South Downs National Park.

1.3 The footprint of the existing building effectively fills the entire site. It is a two storey building, set under a pitched corrugated roof, with a hip at the eastern end. The walls are mainly finished with flint on the ground floor with dark timber cladding at first floor. There is a feature window in the west facing gable end looking towards the river.

1.4 To the north east the application site abuts a vacant piece of land on which permission has been granted for the erection of a garage and the creation of a communal garden. It does not appear however that any works in association with this consent have commenced and the approval will time expired if not commenced before 18th September 2017 (SDNP/14/02257/FUL). For now the land remains vacant and enclosed by a mixture of timber fencing and brick and flint walling.

1.5 To the north west the application site abuts 52 Morris Road, the last of a terrace of Victorian dwellings, running to the north west. The north western wall of the existing building is a prominent feature along the mutual boundary between the application site and this neighbouring dwelling.

1.6 Opposite the site, on the other side of Timbryard Lane to the south east is a three storey block of flats, constructed as part of the Hillman Close development in the late 1990s.

1.7 To the south west of the application site, just before the river, is a small area of land that has been landscaped in association with the development of the neighbouring Chandlers Wharf development. This is a development of 13 new dwellings that has recently been completed along the river frontage. Access to this development abuts the application site to its south west. An application has recently been submitted seeking the development of the area of landscaping with a further three bedroom dwelling (SDNP/17/00775/FUL). A decision on this application is currently pending.

1.8 Further along Timbryard Lane to the north east of the application site are a number of sites, that have been redeveloped with more dense development, e.g. the former St Johns Ambulance site which has been redeveloped with four three-storey terraced town houses, and its neighbouring site that has been re-developed, also with terraced houses.

2 Proposal

2.1 Planning permission is sought for the demolition of the existing office building and the redevelopment of the site with a new five bedroom dwelling.

2.2 The applicant's describe their proposal as follows:

"The proposal is for a two-storey house with a courtyard space on the north side of the site that allows for the addition of a ramp for wheelchair access. The courtyard also means that the house is set further away from the end property on Morris Road so as to reduce the impact upon their amenity.

The main entrance is situated at the south corner where steps lead from the road up to the entrance area bounded by a brick built planter over the bin store. The double garage is accessed via the new road serving the Riverdale development to the northwest.

The internal layout of the ground floor is such that the living/ dining has access to the courtyard space, and the communal areas of the house and five bedrooms will receive solar gain from the

south east elevation which faces out onto Timberyard Lane. Many of the bedrooms have a second window which will enliven the quality of light within.

The ground floor includes an entrance hall with utility room, the main living spaces and kitchen which includes a double height with the stairs leading to the first floor in an open plan arrangement. At the far end, is a single bedroom plus a fully accessible double bedroom and shower room, both of which are designed in accordance with the Lifetime Homes standard. The first floor includes three further bedrooms grouped either side of the double height space as well as the main bathroom. The westernmost is the master bedroom with an en suit bedroom...

The proposed dwelling presents a two storey elevation to the road with a south facing pitched roof. A lower north facing pitch roof forms the northern part of the house nearest to Morris Road.

Paying homage to the dark grey bricks of Lewes (wood fired kilns or clamps), a mottled grey brick is proposed mainly to the plinth zone but also extending upwards to provide variation in texture and tone. Elsewhere the cladding would be western red cedar cladding to tie in with the new Riverdale development to the north and west and also the early developments down Timberyard Lane. Timber can also be said to have been frequently used around the old riverside areas of Lewes where it was used as a cladding for both residential and commercial/industrial buildings. The cladding can be both vertical and horizontal boarded to provide an agreeable visual rhythm down the street. We are suggesting the use of a standing seam zinc roof finish. Photovoltaic panels are also proposed for the main roof pitch."

3 Relevant Planning History

LW/07/1006 - Demolition of shop, showroom and storage buildings - Conservation Area consent refused

LW/07/1007 - Change of use of land to provide 55 car parking spaces and modified entrance gate - Approved

LW/07/1009 - Replacement of external walls and roofing materials; demolition of section of building; new disabled ramp - Approved

4 Consultations

RE: ORIGINAL PLANS

Lewes Town Council Consultee

Members considered the architectural style was at odds with surrounding buildings and had a very ugly and dominant visual aspect. They regret the lost opportunity for multiple smaller units and the loss of the last workspace and attendant employment opportunities in that locality.

East Sussex County Archaeologist

The proposed development is situated within an Archaeological Notification Area defining the historic core of the medieval and post-medieval town of Lewes. The site lies in a section of the town that formed in 18th century as an industrial area. Certainly by the late 19th century the site is occupied by a large industrial building, probably associated with the adjacent gasworks.

Recent archaeological monitoring immediately to the north and south of the site has recorded earlier remains, comprising wooden structures relating to the reclaiming of this section of flood plain possibly as early as the medieval period. It is quite likely similar remains survive at depth under Hanover House.

In the light of the potential for loss of heritage assets on this site resulting from development the area affected by the proposals should be the subject of a programme of archaeological works.

This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded. These recommendations are in line with the requirements given in the NPPF.

Condition requested.

LE - Design and Conservation Officer

The existing building is modern and not considered to contribute to the character and appearance of the Lewes Conservation Area. The principle of its demolition is acceptable.

The scale and massing of the proposed dwelling is generally comparable with other residential properties within the immediate surrounding area, most notably the three storey terraced houses along 2-6 Timber Yard Lane, the Hillman Close flats block numbers 29 to 64 and 17-28 and the three/four storey terraced houses along Chandlers Wharf.

However concern is raised over the proposal, specifically the proposed north east elevation. The scale and massing of the proposed development from the eastern end of Morris Road and from Timber Yard Lane is considered overly bulky and awkward. Specifically of concern is a combination of this elevations width and height. It is considered this impact is unacceptable as it would have a detrimental impact on the streetscene and conservation area.

It is advised a reduction in the scale and massing in this part of the site and better separation between the site and Morris Road is required. It is advised the element of the proposed dwelling closest to 52 Morris Road shown as two storeys on a plinth with a two storey oriel window, containing 'bedroom 2' and 'bedroom 5' be removed from the proposal to address this concern.

The loss of this habitable floor area could be accommodated within the proposed dwelling through a more restrained use of the internal space. It is suggested this could be achieved through more careful consideration of the use of the internal floor area and will involve considering the loss and/or reduction of some of the following: the double height void space within the lounge; the larger part of the landing area (which contains a desk on the first floor to the left of the staircase); bedroom sizes which are all generous as proposed; and number of bathrooms. Please note these are suggestions only and other solutions may be possible.

There is also a general concern that the relationship with 52 Morris Road is not shown clearly enough. To allow the impact of the works to be properly considered it is advised a number of sections though the proposed dwelling and its immediate context are required. These need to show the plinth, the floor level relationship with 52 Morris Road from the level parts of the access ramp, the courtyard, the wall and trellis screen

It should also be noted the roof terrace is considered to result in unacceptable overlooking to the rear garden of Morris Road. This element of the proposal needs to be removed. A privacy screen to address this overlooking is likely to be considered an awkward and contrived design feature that would not be acceptable.

It is advised the application is amended to address the above concerns. If the application/agent does not agree to amendments the application should be refused.

Environment Agency [Page 118 of 148](#)

In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

Reason

The FRA submitted with this application does not comply with the requirements set out in paragraph Section 9 & 10 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to

1. Take the impacts of climate change into account
2. Consider how people will be kept safe from flood hazards identified
3. Consider the effect of a range of flooding events including extreme events on people and property.

Southern Gas Networks

Standard advice regarding development near gas mains given. See file.

LE - Environmental Health

Contaminated land conditions requested.

LE - Environmental Health

Conditions recommended to protect neighbouring residents from impacts associated with the construction of this proposed building.

RE: AMENDED PLANS:

Environment Agency

We previously objected to the proposals in our letter of 28 December 2016 (ref. HA/2016/118952/01-L01). We considered that the Flood Risk Assessment (FRA) submitted failed to demonstrate that the development was appropriate in this area of flood risk.

An amended FRA has since been submitted. We have reviewed this FRA and have the following comments to make.

We remove our objection to the proposed development, as amended, subject to the inclusion of the below condition in any permission granted. See file for detail.

LE - Design and Conservation Officer

The existing building on the site is a modern, single storey office that has a warehouse like appearance. It is not considered to be of historic or architectural interest and has a neutral impact on the character and appearance of the conservation area. The principle of its demolition is considered acceptable.

The proposed dwelling is comparable in scale to existing residential development along Timberyard Lane, Hillman Close and Chandlers Wharf. It is considered in keeping with the scale and massing of its immediate context and therefore if approved would preserve the character and appearance of this part of the Lewes Conservation Area.

The proposed dwelling has a modern appearance, constructed primarily of brick, cedar cladding, zinc roof with an informal fenestration arrangement and two shallow mono-pitched roofs. This modern appearance is not out of keeping with its immediate context on Timberyard Lane and the River frontage which is notable for its modern residential development.

Concerning the impact of the proposal of historic buildings within its setting, Timber Yard Cottages, a row of Victorian terraced houses to the north east of the site, are considered too distant to be significantly affected by the proposal.

The proposed dwelling can partially be seen from the south-east end of Morris Road, where there are rows of Victorian terraced houses. The massing of the proposed dwelling on the north-east elevation is notable as it increases the bulk of built form in this location compared to the existing relationship. This was previously considered an awkward relationship but has been amended so this elevation is now sets this mass away from the boundary with Morris Road so there is a 5.4m gap between them. Although as a result of the amendment the proposed dwelling would come slightly forward of the building line along Morris Road, its impact is reduced to the extent that, on balance, it is considered a sufficient set back to avoid this elevation being overbearing and having an incongruous appearance within Morris Road.

Notably the proposed trellis screen will be visible above the existing north-east and north-west boundary walls. This trellis screen is necessary to allow the raised courtyard to be safely used. It is important this is detailed correctly to avoid it appearing awkward within Morris Road, it is advised within the conditions further details of this is provided.

Concerning the impact of the proposed dwelling on the setting of the conservation area from the River Ouse, while it will be visible from the riverbank opposite and the adjacent wharf, it is set back from this frontage and as a result is less prominent. Importantly the small open space between the site and the river to the south-west helps to break up the dense built form along the river frontage.

As a result of the above considerations no objection is raised to the proposed works subject to conditions. See file for details.

Lewes Town Council Consultee

Members considered the architectural style was at odds with surrounding buildings and had a very ugly and dominant visual aspect. They regret the lost opportunity for multiple smaller units and the loss of the last workspace and attendant employment opportunities in that locality.

5 Representations

ORIGINAL PLANS:

Lewes Conservation Area Advisory Group: The unsightly existing shed is the last remnant of the industrial/workshop structures that occupied this site before the adjacent buildings which are now almost entirely residential.

LCAAG agrees that the site be redeveloped for residential purposes.

It is understood that the proposed 2 storey house will sit upon a brick plinth to raise it above flood level. The Group appreciates that the design is appropriate to the site and reflects its former use. The building footprint is broken down into discrete blocks, linked by the roof. The palette of materials appears to be deliberately restricted creating simple and uncluttered elevations.

Our view is that the building relates comfortably to its neighbours in terms of scale, form and materials. The elevation to Morris Road forms a visual bridge between the two storeys of Morris Road and the three storeys of Hillman Close opposite. The prominent south west corner of the site forms an effective entrance to the recently completed Chandlers Wharf development, with its curved brick wall and set back block behind. The potential impact on the neighbour at 52 Morris Road is mitigated by providing an eaves height along the shared boundary that is lower than the existing eaves.

LCAAG believes that this proposal responds positively to a challenging site. Subject to good detailing and execution the final result has the potential to have a positive impact upon the Conservation Area.

We therefore support this development.

Friends of Lewes: Friends of Lewes have no objection to this proposed development and consider it to be an imaginative design solution for this particular site.

Residents of Hillman Close:

- o Strongly object to and oppose the build.
- o Will make side windows of the flats looking out over the road very dark.
- o Have already had to put up with the build on the old Chandlers site.
- o It will be an eyesore and not fit in with the buildings already here.
- o Squashed.
- o We have lost our view as it is.
- o Loss of privacy.
- o Inadequate parking in area already
- o Site could still flood.

31 Hillman Close:

- o Overdevelopment
- o Out of keeping in terms of scale and materials
- o Reduction of light/sunlight

52 Morris Road:

- o Will impact our rear amenities and light.
- o The overall size of the property is enormous and overbearing and will dwarf our property.
- o Will block light - the proposed sun trajectory shown on the drawings, is wrong and misleading.
- o Will look directly down into our property.
- o The Courtyard with its associated noise and light pollution, will have a detrimental impact on our house.
- o The height of the building is unnecessary high.
- o Will cause reflected light pollution during the summer.
- o Is also out of character for this area
- o A couple of smaller houses would be better,

AMENDED PLANS:

31 Hillman Close:

- o I would like to reiterate my main objection: a reduction in the amount of sky which will be visible.
- o Still feels cramped.
- o Loss of privacy

52 Morris Road:

- o Acknowledge the changes but is still very high and overpowering
- o The courtyard will still create both noise and light pollution, which will affect our house due to the proximity to bedrooms.
- o Is important that materials used for all the boundary walls, fencing, trellis etc, are appropriate.
- o Would welcome strict time constraints for the working hours

From 3 Chandlers Wharf residents:

- o The location of the garage/parking is likely to cause a problem with access to Chandlers Wharf, and a possible safety issue.
- o Would prefer that the access to the parking/garage is from Timberyard Lane and that permission to restricted to a maximum of 2 cars.
- o This is a large property that will involve much disruption.
- o This is a classically over designed property designed to make maximum return to the land owner with little regard for the development.
- o Concerned about impact on parking and level of traffic
- o Where will tradesmen park?
- o The Highways Authority should be made to sort out the state of Timberyard Lane.

6 **Planning Policy Context**

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **Lewes District Council - The Core Strategy (Local Plan Part 1) 2014** and the following additional plan(s):

- Lewes District Local Plan (2003)
- SDNPA Partnership Management Plan 2014

The relevant policies to this application are set out in section 7, below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

7 **Planning Policy**

Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF - Requiring good design
- NPPF - Conserving and enhancing the historic environment

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **Lewes District Council - The Core Strategy (Local Plan Part 1) 2014** are relevant to this application:

- CP4 - Economic Development and Regeneration
- CP11 - Built and Historic Environment and Design
- CP12 - Flood Risk, Coastal Erosion and Drainage

The following policies of the **Lewes District Local Plan (2003)** are relevant to this application:

- ST3 - Design, Form and Setting of Development
- H5 - Within / Affecting Conservation Area

The following policies of the **SDNPA Partnership Management Plan 2014** are relevant to this application:

- General Policy 1
- General Policy 9
- General Policy 50

Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16th July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period ran from 2nd September to 28th October 2015. The responses received are being considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the National Planning Policy Framework, which confirms that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight and are not relied upon in the consideration of this application.

8 Planning Assessment

8.1 The main issues for consideration in relation to this application are:

- 1) The principle of the development/loss of business floorspace
- 2) Design and impact on conservation area
- 3) Impact on neighbour amenity
- 4) Flood risk issues
- 5) Access and parking arrangements

Principle/loss of business floorspace

8.2 As noted above the site falls within the Planning Boundary of Lewes and as such the principle of residential development would generally be acceptable subject to compliance with other relevant District Wide Policies.

8.3 In this respect Core Policy 4 of the Joint Core Strategy is relevant. This policy seeks to safeguard existing employment sites from other competing uses unless there are demonstrable economic viability or environmental amenity reasons for not doing so. The supporting text of this policy explains:

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"Where an application is made to change the use of an employment site to another use it will need to be supported by appropriate and robust evidence to demonstrate the

economic viability or environmental amenity case proposed for not retaining the site for employment use. A demonstrated lack of developer or tenant/occupier interest would include, as a minimum, evidence of at least 12 months of active and continuous marketing, including advertising, for employment use at an appropriate market level and evidence of no unreasonable barriers to potential employment tenants/occupiers. Details of the numbers and types of interested parties and reasons for not pursuing their interest in the site for employment use will be expected."

8.4 The only evidence in this respect that has been submitted with this application is a statement from the applicant which states:

"The upstairs office was originally used as an office by the owner's contracting business that has since relocated within the Lewes District due to an increase in office based staff from 3 office based staff to 7. The upstairs office was then used as a site office for Riverdale developments for two years whilst the Former Chandlers Site was redeveloped. Riverdale Developments left this office in July 2016 and the office has remained unoccupied since. The upstairs offices are hindered by the shallow pitch off the roof which significantly restricts the total usable space making it difficult to rent commercially.

The down stairs office has been occupied on a 5 year lease to Think Telecom Solutions Limited. This lease ends in March 2017 and the business has out-grown the floor space available. Think Telecom Solutions Limited are currently planning to relocate to larger new office premises in the town due to its central location and close proximity to the local bus and train network.

As such this proposed development which is in an area zoned for future residential use by the local planning authority, will not impact the local employment in the area as both local business using the premise will continue to operate in the Lewes district area and have outgrown the existing building."

8.5 Clearly this doesn't meet the requirements of the above policy however, it does also have to be noted that the site was previously allocated as a potential site for residential redevelopment under policy RES3 of the Local Plan. Whilst this policy has now been superseded by the policies of the Joint Core Strategy, it has been historically accepted that the site could be redeveloped for housing and in fact a large proportion of this former allocation has now been developed i.e. Chandlers Wharf, the former St John's Ambulance Site and its neighbouring site. In fact Hanover House is the only part of this former allocation that has not been redeveloped for housing.

8.6 Whilst therefore technically the application has noted fully fulfilled the current requirements of CP4 of the JCS, in light of its previous allocation and the surrounding development that has taken place, in this particular instance no objection is raised to the principle of the loss of the existing business floorspace.

Design, Scale and Impact on the Conservation Area

8.7 With the application site falling within a designated Conservation Area, its design and impact on this heritage asset are important considerations in the determination of this application. For this reason the comments of the Council's Design and Conservation Officer have been sought. As can be seen above, no objections are raised to the principle of the demolition of the existing building, on the basis that it is not considered to contribute to the character and appearance of the Conservation Area. However concerns were raised in respect of the scale and massing of the proposed dwelling as originally submitted.

8.8 The proposed dwelling has a footprint that is almost the same as the footprint of the existing building, occupying practically the entire site. Whilst the dwelling is only proposed to provide two floors of accommodation, due to flood risk mitigation measures (discussed in more detail below) the ground floor of the dwelling is set at 5.45m above

Ordnance Datum. This pushes the entire scale of the building up and means that overall the building will be taller than the existing building on site (by some 0.8 metres).

8.9 The design of the dwelling seeks to minimise the overall bulk of the structure by proposing a shallow mono-pitched roof over the main bulk of the dwelling. Lower "blocks" are proposed on the north western side of the site where it adjoins 52 Morris Road, where the overall height will be lower than the existing structure. When a direct comparison to the existing building is made the proposed dwelling is actually smaller in overall volume.

8.10 A set back in the main front (south east) elevation and the use of varying materials helps break up the visual massing of the most prominent elevation. In response to comments made by the Design and Conservation Officer the north east elevation has also been reduced with the courtyard now extending to the northern corner. This amendment significantly reduces the visual bulk of the building when viewed from the north east (Timberyard Lane), and greatly assists with the visual relationship with the adjacent Victorian Terrace, 52 Morris Road.

8.11 Whilst the proposed dwelling will be visible from Morris Road, by virtue of the fact it will sit slightly forward of the main building line along Morris Road, the reduction of the north east elevation now provides a generous gap between the existing and proposed buildings and should ensure that the proposed structure does not appear overbearing.

8.12 When viewed in its Timberyard Lane context it is considered that the scale of the dwelling, as amended, is comparable with the other residential properties within the immediate surrounding area, most notably the three storey terraced houses along 2-6 Timberyard Lane, the Hillman Close flats (block numbers 29 to 64 and 17-28) and the three/four storey terraced houses along Chandlers Wharf. Likewise the modern appearance of the proposed dwelling will not be out of keeping with its immediate context and overall the scheme is now considered to preserve the character and appearance of this part of the Conservation Area and therefore accords with the requirements of policies ST3 and H5 of the Local Plan and Policy CP11 of the JCS in this respect.

Impact on neighbour amenity

8.13 As set out above the application site immediately abuts the neighbouring terraced dwelling, 52 Morris Road. This is a simple two storey Victorian dwelling that has been extended to the rear with a part single, part two-storey rear projection. The dwelling has a ground and first floor windows in its front elevation (facing north east) and in the rear has both ground and first floor windows facing south west and towards the application site.

8.14 With the existing building built hard up to the mutual boundary the existing structure is already a significant feature from this neighbouring dwelling, its eaves sitting at the approximate level of the bottom of its first floor rear facing bedroom window.

8.15 It is proposed to erect the new dwelling with a small gap between the mutual boundary and the side wall of the new dwelling. As noted above, the closest elements of the proposed dwelling are single storey only, containing a double garage and the kitchen/dining room area. However due to the raised floor levels the elements are taller than a standard single storey. To mitigate this, low mono-pitched roofs are proposed and as a result the overall height of this closest part of the dwelling will actually be no taller than the existing building and lower in parts. In addition the length of the two storey section, whilst taller than the existing building, is less deep finishing some 3 metres shorter than the existing structure. On this basis, it is considered that the existing living conditions of the occupiers of no. 52 should not be significantly worsened by this proposal.

8.16 Timber screening is proposed to ensure no significant overlooking from the ramp that is proposed to run up the gap between no. 52 and the proposed dwelling and

likewise screening is proposed around the courtyard which now projects slightly forward of the front elevation of no. 52. The specific detailing of this screening can be secured by means of a suitably worded planning condition, however officers are content that this should ensure no significant overlooking into the adjacent property.

8.17 The neighbour's concerns regarding the close proximity of the raised courtyard to their first floor bedrooms are noted. However this relationship is not considered to be so different from a normal garden/bedroom relationship to warrant the refusal of planning permission. Notwithstanding this landscaping details, to be secured by way of a condition, could help mitigate noise disturbance by providing an additional barrier between the courtyard and this neighbouring dwelling.

8.18 Objections have been received from the occupiers of the flats directly opposite the application site, at Hillman Close. Amongst other reasons they have objected to the proposal on the basis that it will cause a loss of light and privacy.

8.19 With regard to the comments about loss of light, whilst it is accepted that the proposed dwelling will be taller than the existing building and increases the eaves height closest to these flats, it also has to be acknowledged that the proposed building is not as long at the existing structure and located to the north west of these flats. Loss of direct sunlight is therefore likely to be limited and with an intervening distance of some 10 metres at the very closest it is also considered that it would be difficult to substantiate the proposed dwelling will be overbearing to the occupiers of these existing dwellings. Whilst some additional loss of views are likely to result from the slightly higher structure, there is no right to a view in planning terms and for this reason a refusal on this basis would be unreasonable.

8.20 With regard to loss of privacy, the facing block of flats is a three storey structure with a number of living room windows/doors (with balconies) and bedroom windows facing the application site. With the main aspect of the proposed dwelling facing these units there are a number of windows that will be introduced in its facing elevation. With an intervening distance of some 10 metres this is a relatively close arrangement. However, in a built up situation such as this where mutual overlooking is to be expected to a certain degree, and with the road intervening providing intervening public space as opposed to private garden/amenity space, whilst it is accepted that there will be some loss of privacy to these existing units, it is not considered that harm to the living conditions of the resident would be so significant to warrant the refusal of permission.

8.21 For these reasons the application is considered to comply with the requirements of policy ST3 of the Local Plan and policy CP11 of the JCS in respect of neighbour amenity.

Flood risk issues

8.22 The application site was flooded during the October 2000 event. It is understood that the flood level during this event, in the vicinity of the site, was 5.15m AOD.

8.23 Following the 2000 flood event, temporary flood defences were installed by the EA and permanent improvements have subsequently been carried out by the developers of the adjacent Chandlers Wharf site. These complete works complete the defences to the Cliffe flood cell and raise the defence level to 5.35m. These defences should be sufficient to withstand a 1:100 fluvial event and a 1:200 tidal event, thereby locating the site in Flood Zone 2.

8.24 Notwithstanding this, the proposed dwelling has been designed with all of its habitable rooms with a finished floor level (FFL) set at 5.45mAOD. This matches the floor levels agreed at the adjacent development and ensures that FFLs are 300mm above the previous flood level. This is considered to satisfactorily mitigate the flood risk to the proposed dwelling and ensures compliance with Core Policy 12 of the Joint Core Strategy.

Access and parking arrangements

8.25 The proposed dwelling has been designed to incorporate an integral double garage to be accessed from the south west, directly off the access drive to the Chandlers Wharf development. The provision of two parking spaces to serve this dwelling is considered acceptable and in line with East Sussex County Council's parking guidelines. With the site being close to the town centre and all its amenities and alternative means of transport the proposed level of parking is considered acceptable.

8.26 Whilst the close proximity of the garage to the junction is not ideal, as this is on private land no objection would be raised by the Highways Authority.

8.27 When the proposals on the adjacent site Chandlers Wharf site were considered it was noted that *"In terms of wider traffic generation, the current proposal would generate significantly less vehicle movements (65 daily) than the previously approved car park or the previous use as a builders yard."* The increase in the use of the access drive and Timberyard Lane by one additional dwelling is not therefore considered to have a material impact and in this respect no objection is raised.

9 Conclusion

9.1 For the reasons outlined above it is considered that the proposals comply with overall aims and objectives of Development Plan and can therefore be supported.

10 Reason for Recommendation and Conditions

It is recommended that the application be approved for the reasons and subject to the conditions set out below.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)./ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

2. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework

3. No development shall take place until a scheme to control the emission of dust from the demolition and construction works at the site has been submitted to and approved in writing by the Planning Authority. The approved scheme shall be fully implemented throughout the duration of demolition and construction works, with all equipment maintained in accordance with the manufacturer's instructions at all times until completion of the development.

REASON: to protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

4. Hours of operation at the site during any tree works, site clearance, preparation and construction shall be restricted to 08:00 to 18:00 hours Monday to Friday and 09.00 to 13:00 hours on Saturdays. No working is permitted at any time on Sundays or Bank Holidays. No machinery shall be operated, no process shall be carried out and no deliveries shall be made at the site outside of these specified times.

REASON: to protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

5. Prior to commencement of works details of the external materials, to include samples, product information and finish, shall be submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory development in keeping with the locality having regard to Policies ST3 and H5 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012

6. Prior to the commencement of works details of all windows (to include rooflights which shall be a conservation type) and doors, into include product details and elevations to a scale of 1:10 and cross sectional details to a scale of 1:2, shall be submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory development in keeping with the locality having regard to Policies ST3 and H5 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012

7. Prior to the commencement of works further details of enabling works to include vents, flues, downpipes, meter box, hit and miss brick detail, section plan of the hidden gutter, photovoltaic panels in context (which shall be flush with the roof), brise soleil, external lighting and any other associated works, shall be submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory development in keeping with the locality having regard to Policies ST3 and H5 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012

8. Prior to completion of works details of the timber screening/ trellis boundary treatment shall be submitted to and approved in writing by the local planning authority. The approved screening/boundary treatment shall be erected in accordance with the approved details prior to the occupation of the dwelling and retained in situ thereafter.

Reason: To ensure a satisfactory development in keeping with the locality and to protect the amenity of the neighbouring occupiers having regard to Policies ST3 and H5 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012

9. Full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of the dwelling.

Reason; To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

10. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (13 Jan 2017) and the following mitigation measures detailed within the FRA:

1. Finished floor levels set no lower than 5.45 m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/ phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reasons: In order to comply with Policy CP12 of the Joint Core Strategy and the objectives of the National Planning Policy Framework.

11. The dwelling hereby approved shall not be occupied until the vehicle parking spaces shown on drawing P-101 Rev D been provided and this space shall be made permanently available for that use.

Reason: To secure satisfactory standards of parking for the proposed development having regard to Policy ST3 of the Lewes District Local Plan.

12. Notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development described in Classes A to E of Part 1 of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

13. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment including a site walkover which has identified:
 - o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site indicating sources, pathways and receptors
 - o potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: In the interests of health & safety of the future occupiers of the site having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

14. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: In the interests of health & safety of the future occupiers of the site having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

15. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of health & safety of the future occupiers of the site having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

16. Buildings constructed or refurbished before 2000 may contain asbestos. Accordingly a Demolition asbestos survey should be undertaken by a competent person in accordance with the guidance given in HSG264 Asbestos: The survey guide. A copy of the report should be provided to the local planning authority together with a mitigation plan that removes the risk to future occupiers of exposure to asbestos.

Reason: To ensure that risks from asbestos to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors (in accordance with National Planning Policy Framework, sections 12.0 and 12.1).

17. **Approved Plans-** The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

11. Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised. [Page 130 of 148](#)

13. Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

14.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Tim Slaney
Director of Planning
South Downs National Park Authority

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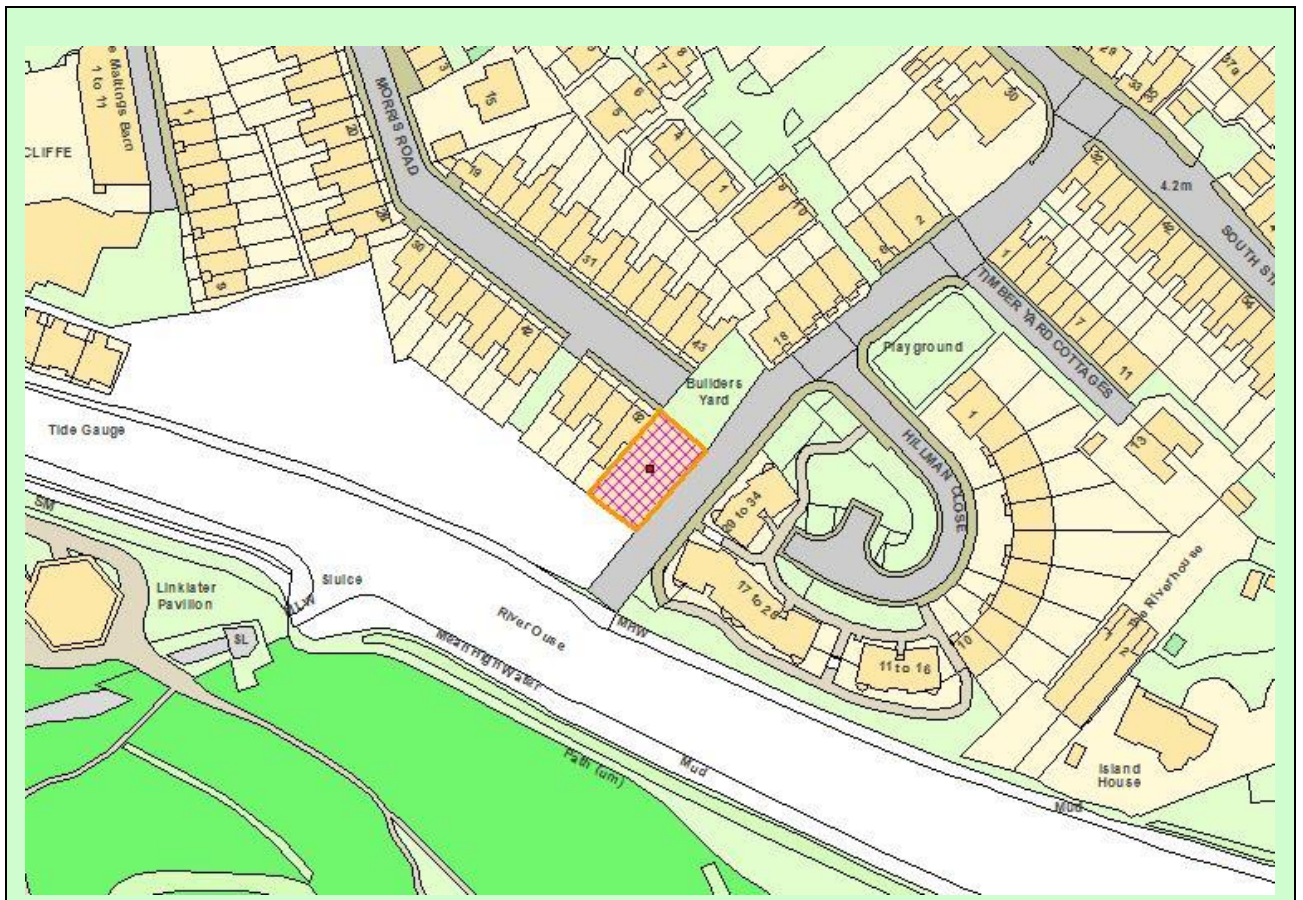
Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

Appendix 1

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans - Proposed North West Elevation	P-106 C		11.01.2017	Superseded
Plans - View from Timberyard Lane	P-114		11.01.2017	Superseded
Plans - View from Morris Road	P-115		11.01.2017	Superseded
Plans - Proposed Ground Floor Plan	P101 D		09.02.2017	Approved
Plans - Proposed first floor plan	P102 C		09.02.2017	Approved
Plans - Proposed Roof Plan	P103 C		09.02.2017	Approved
Plans - Proposed SW Elevation	P104 C		09.02.2017	Approved
Plans - Proposed SE Elevation	P105 D		09.02.2017	Superseded
Plans - Proposed NW Elevation	P106 D		09.02.2017	Approved
Plans - Proposed NE Elevation	P107 D		09.02.2017	Approved
Plans - Comparison Diagrams	P109 A		09.02.2017	Approved
Plans - Section BB	P116		09.02.2017	Approved
Plans - Section AA	P117		09.02.2017	Approved
Application Documents -	DESIGN AND ACCESS STATEMENT		09.02.2017	Approved
Plans -	P-105 D		13.02.2017	Approved
Application Documents -	FLOOD RISK ASSESSMENT		13.01.2017	Approved
Application Documents -	HER CONSULTATION REPORT		06.12.2016	Approved
Application Documents -	HERITAGE STATEMENT		06.12.2016	Approved
Plans - Location & block plans	P-001		18.11.2016	Approved
Plans - Location Plan	P-002		18.11.2016	Approved
Plans - Existing Elevations	P-003		18.11.2016	Approved
Plans - Existing neighbouring elevations	P-004		18.11.2016	Approved
Plans - Existing site photos	P-005		18.11.2016	Approved
Plans - Proposed ground floor plan	P-101 C		18.11.2016	Superseded
Plans - Proposed first floor plan	P-102 C		18.11.2016	Superseded
Plans - Proposed roof plan	P-103 B		18.11.2016	Superseded
Plans - Proposed South West elevation	P-104 B		18.11.2016	Superseded
Plans - Proposed south east elevations	P-105 C		18.11.2016	Superseded
Plans - Proposed north west	P-106 B		18.11.2016	Superseded

elevation				
Plans - Proposed north east elevation	P-107 C		18.11.2016	Superseded
Plans - Comparison Diagrams	P-109		18.11.2016	Superseded
Plans - Existing and proposed views	P-110		18.11.2016	Approved
Plans - Existing and proposed views	P-111		18.11.2016	Approved
Plans - Materials palette	P-112		18.11.2016	Approved
Application Documents -	DESIGN,ACCESS & HERITAGE		28.11.2016	Superseded
Application Documents -	LOSS OF EMPLOYMENT STATEMENT		18.11.2016	Approved

Reasons: For the avoidance of doubt and in the interests of proper planning.

Report to **Planning Committee**
Date **26 April 2017**
By **Director of Planning**
Local Authority **Lewes District Council**
Application Number **SDNP/17/01087/HOUS**
Applicant **Mr R Turner**
Application **Construction of front porch and covered car port between house and garage with associated works**
Address **Spiders Cottage
Station Road
Glynde
BN8 6SP**

Recommendation: That the application be approved for the reasons and subject to the conditions set out in paragraph 10 of this report.

Executive Summary

That planning permission is granted for the proposed development.

1 Site Description

1.1 The application site is a semi-detached house, located within the South Downs National Park in Glynde. The house is one of a small row of properties on the west side of Station Road and surrounded by fields.

2 Proposal

2.1 The application proposes to erect a car port between the house and garage and construct a front porch.

2.2 The car port would be constructed between the north side elevation of the house and the detached garage to the north, measuring about 4m wide and 4.5m deep. The front and rear elevations would be in line with the front and rear of the house. The car port would be open to the front and rear with a hipped roof of matching eaves and ridge height to the garage.

2.3 It is also proposed to construct a porch to the front elevation. The porch would measure about 2m wide x 1.8m deep with a pitched roof of 3.7m high. The porch roof would follow the profile of the catslide roof of the main house.

2.4 The extensions would be finished in brick and tiles to match the existing house.

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2.5 The applicant is a Councillor for Lewes District Council and the application is therefore referred to the Planning Application Committee for a decision.

3 Relevant Planning History

N/A

4 Consultations

ESCC - County Archaeologist

4.1 Although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

Parish Council Consultee

4.2 Comments awaited.

5 Representations

None

6 Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **Lewes District Council - The Core Strategy (Local Plan Part I) 2014** and the following additional plan(s):

- Lewes District Local Plan (2003)
- SDNPA Partnership Management Plan 2014

Other plans considered:

- SDNPA Draft Local Plan

6.2 The relevant policies to this application are set out in section 7, below.

National Park Purposes

6.3 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

6.4 If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social wellbeing of the local community in pursuit of these purposes.

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7 Planning Policy

Relevant Government Planning Policy and Guidance

7.1 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

National Planning Policy Framework (NPPF)

7.2 The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF - Conserving and enhancing the natural environment
- NPPF - Conserving and enhancing the historic environment

7.3 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

7.4 The following policies of the **Lewes District Council - The Core Strategy (Local Plan Part 1) 2014** are relevant to this application:

- CPI 1 - Built and Historic Environment and Design

The following policies of the **Lewes District Local Plan (2003)** are relevant to this application:

- ST3 - Design, Form and Setting of Development
- RS13 - All Extensions
- RS18 - Garages And Other Buildings Ancillar

The following policies of the **SDNPA Partnership Management Plan 2014** are relevant to this application:

- General Policy 50

Partnership Management Plan

7.5 The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

- General Policy 50

7.6 The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16th July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period ran from 2nd September to 28th October 2015. The responses received are being considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the Preferred

Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the National Planning Policy Framework, which confirms that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight and are not relied upon in the consideration of this application.

8 Planning Assessment

8.1 The design and form of the car port and porch are considered to complement the existing building, reflecting the materials, roof form and pitch. The extensions are subsidiary in scale and sympathetic to the existing and surrounding buildings. The open form of the car port would allow views through the building providing relief to the solid built form. The house is set back from the road but visible in the street scene. The extensions are not considered dominant or out of keeping with general development in the area. There would be no negative impact on the character or visual amenities of the locality or the wider landscape resulting from this proposal.

8.2 There would be no adverse impact on the residential amenities of neighbours or the surrounding SDNP landscape setting resulting from this proposal.

8.3 The proposal is not considered to detrimentally affect the statutory purposes of the SDNP designation and would continue to conserve and enhance the natural beauty, wildlife and cultural heritage of the area and would not prevent opportunities for public understanding or enjoyment of the special qualities of the area.

9 Conclusion

That planning permission is granted.

10 Reason for Recommendation and Conditions

It is recommended that the application be approved for the reasons and subject to the conditions set out below.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)./ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The development hereby approved shall be finished in external materials to match those used in the existing building.

Reason: To ensure a satisfactory development in keeping with the locality having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

11. Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

Application Approved Without Amendment:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Tim Slaney
Director of Planning
South Downs National Park Authority

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email: amanda.haslett@lewes.gov.uk

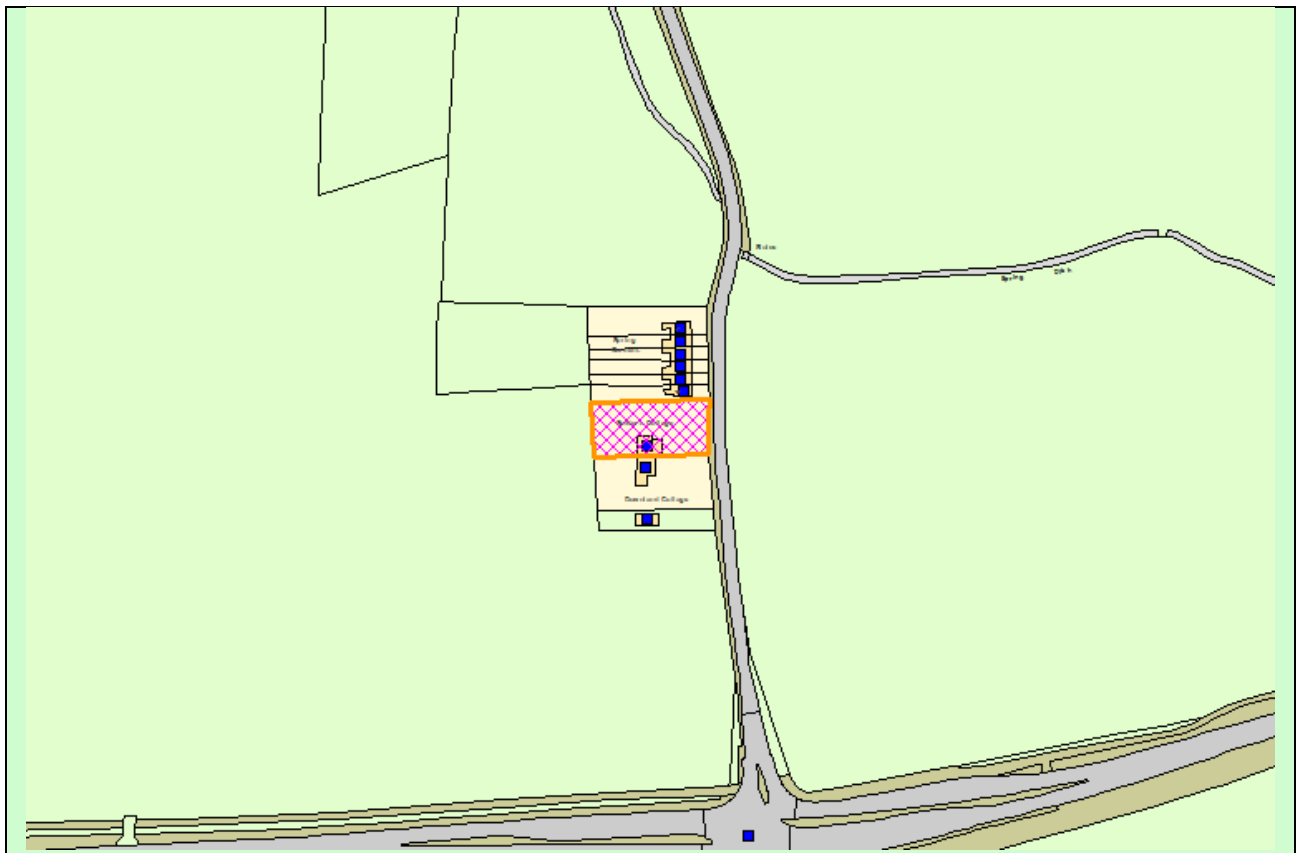
Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

Appendix I

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans - Site Location Plan	GLY.17.01.02		28.02.2017	Approved
Plans - Existing Block Plan	GLY.17.01.02		28.02.2017	Approved
Plans - Proposed Elevations	GLY.17.01.06C		03.03.2017	Approved
Plans - Proposed Ground Floor, Roof Plan and Block Plan	GLY.17.01.06C		28.02.2017	Approved
Site Photographs -	EXISTING		28.02.2017	Approved
Plans - Ground Floor and Roof Plan	GLY.17.01.01		28.02.2017	Approved
Plans - Existing Elevations	GLY.17.01.04		28.02.2017	Approved
Reports -	PARKING STATEMENT		28.02.2017	Approved

Reasons: For the avoidance of doubt and in the interests of proper planning.

Agenda Item No: 14 **Report No:** 68/17
Report Title: Outcome of Appeal Decisions on 14th February and 3rd April 2017
Report To: Planning Applications Committee **Date:** 26th April 2017
Cabinet Member: Cllr Tom Jones
Ward(s) Affected: All
Report By: Director of Service Delivery
Contact Officer(s):
Name(s): Mr Steve Howe and Mr Andrew Hill
Post Title(s): Specialist Officer Development Management
E-mail(s): Steve.howe@lewes.gov.uk and Andrew.hill@lewes.gov.uk
Tel No(s): (01273) 471600

Purpose of Report: To notify Members of the outcome of appeal decisions (copies of Appeal Decisions attached herewith)

<p>Springfields, Ditchling Road, Wivelsfield</p> <p>Description:</p> <p><i>Erection of first floor extension</i></p>	<p>Application No: LW/16/0804</p> <p>Delegated Refusal</p> <p>Written Representations</p> <p>Appeal is allowed</p> <p>Decision: 14th February 2017</p>
<p>Merrimeet, Heighton Road, South Heighton</p> <p>Description:</p> <p><i>Erection of a rear balcony</i></p>	<p>Application No: LW/16/0828</p> <p>Delegated Refusal</p> <p>Householder</p> <p>Appeal is allowed</p> <p>Decision: 3rd April 2017</p>

Robert Cottrill
 Chief Executive of Lewes District Council and Eastbourne Borough Council

Appeal Decision

Site visit made on 30 January 2017

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 February 2017

Appeal Ref: APP/P1425/D/16/3165824
Springfields, Ditchling Road, Wivelsfield RH17 7RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Burton against the decision of Lewes District Council.
 - The application Ref LW/16/0804, dated 19 September 2016, was refused by notice dated 23 November 2016.
 - The development proposed is first floor extension.
-

Decision

1. The appeal is allowed and planning permission is granted for first floor extension at Springfields, Ditchling Road, Wivelsfield RH17 7RF in accordance with the terms of the application, Ref LW/16/0804, dated 19 September 2016, subject to the following conditions: -
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans 257800-01, 257800-04 and 257800-05.
 - 3) The materials to be used in the external surfaces of the development herein permitted shall match those of the existing property.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The large bungalow known as Springfield is located within the countryside, at the end of a long track, behind existing road frontage development. To the north and west of the appeal site are tall trees that provide a backdrop to the dwelling when viewed from the access track. I observed buildings relating to a former industrial estate to the south of the dwelling. A small agricultural paddock and horticultural nursery are situated either side of the access track. The road frontage dwellings are mainly two-storey detached properties with the exception of a bungalow to their rear located south east of the appeal site.
4. Policy RES13 requires all extensions to be subsidiary to the existing building. Policy RES14 indicates that extensions to existing dwellings outside planning boundaries in excess of 50% of the original floorspace will not normally be

- permitted. The supporting text explains that this is to prevent loss of character to the main building.
5. The dwelling has previously been extended and the Council highlights that this extension, taken cumulatively with previous extensions to the bungalow, would increase the overall size to approximately 170% over and above the original building. This would be in breach of this policy. However, the previous extensions have already increased the size of the original dwelling by around 77% which is also in excess of what the policy indicates. Therefore, Policy RES14 has already been breached.
 6. However, I must also consider the further incremental enlargement to this dwelling in relation to its character and that of the wider landscape. The previous extensions have substantially enlarged the original dwelling. This would have significantly altered the character and appearance of the original dwelling. Although the bungalow is located away from any existing dwellings and, for this reason is isolated, the appeal site is screen by tall existing trees to its north and western sides. I observed that the dwelling is set at a lower level to the access track. Whilst the enlarged dwelling would be visible from the access track, the trees along the boundary of the property would provide screening. The enlarged dwelling would not be extensively apparent in viewpoints from the wider countryside or when viewed from the footpath to the north and west the appeal site. I see no reason why a two-storey dwelling would not appear acceptable in this location.
 7. Taking all relevant considerations into account, including Policy ST3 which requires developments, in more general terms, to respect neighbouring buildings and the local area, the proposal would be an acceptable extension to the already enlarged dwelling. As noted above, the trees to the north and west of the appeal site would contain the proposed development to more localised views from the access track. Further tree screening in the vicinity also would provide additional screening from wider views. The proposal would not create significant further harm to the wider landscape. Whilst the size of the proposed extension would be a further breach and would go against the spirit of Policy RES14, in my judgement, taking all relevant matters into consideration, I find the proposed development acceptable in this particular case.
 8. I acknowledge that there is an outline planning permission in place for 31 dwellings that would alter the character of the landscape adjacent to the appeal site. However, the proposal should be considered on its own merit regardless of any adjoining development that may take place in the future.
 9. Overall, I conclude that the proposed development would not harm the character and appearance of the area and, for the reasons given, would not materially conflict with Policies ST3, RES13 and RES14 of the Lewes District Local Plan.

Conditions

10. I have considered the planning conditions suggested by the Council in light of paragraph 206 of the National Planning Policy Framework and the advice in the Planning Practice Guidance. In addition to the standard time limit condition and in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved

plans. A condition relating to matching materials is appropriate in the interests of the character and appearance of the area.

Conclusions

11. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Nicola Davies

INSPECTOR



Appeal Decision

Site visit made on 20 March 2017

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3rd April 2017

Appeal Ref: APP/P1425/D/17/3167865

Merrimeet, Heighton Road, South Heighton, BN9 0JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Jackie Lamb against the decision of Lewes District Council.
 - The application Ref LW/16/0828, dated 27 September 2016, was refused by notice dated 16 January 2017.
 - The development proposed is the erection of a balcony to the rear of the property.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a balcony to the rear of the property at Merrimeet, Heighton Road, South Heighton, BN9 0JT in accordance with the terms of the application, Ref LW/16/0828, dated 27 September 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Scale 1:1250; Block Plan Scale 1:500; plan including 'Plan View' at Scale 1:500, 'Rear Elevation' at Scale 1:100 and 'Plan View' at Scale 1:100 dated 24 July 2016; and plan including 'Rear Elevation and 'Side Elevation' at scale 1:50 dated 20 October 2016.

Procedural Matter

2. The application was made in the name of Mrs Jackie Lamb. The appeal form gave the name of the appellant as Mr Tim Lamb. Mrs Lamb has since confirmed in writing that Mr Lamb was authorised to conduct the appeal on her behalf. I have therefore treated Mr Lamb as an agent and recorded the appellant's name as Mrs Jackie Lamb, consistent with the application form.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of adjoining occupiers with particular regard to privacy.
-

Reasons

4. The appeal property is a detached dwelling with a rear garden that slopes down and away from its rear elevation. The property has a significant level of under-build such that access to the garden from within the internal living space is obtained from a rear facing kitchen door via an external flight of stairs. The property also has a rear facing lounge with triple width and fully glazed bi-fold doors facing the rear garden. The cill to these doors is approximately 1.6m above the adjoining ground level. The proposal is to erect a 2.2m deep balcony to be accessed from these doors with a 1.1m high glass balustrade around its perimeter.
5. The balcony would be nearest to the boundary with the neighbouring property to the east known as October Cottage. The rear elevation to October Cottage is set slightly deeper into its plot compared with Merrimeet. There is a conservatory extension further beyond to the rear of October Cottage which has an obscurely glazed flank elevation facing the appeal site.
6. During my visit I was able to see for myself the existing outlook from the lounge area within Merrimeet. For the most part this is contained to within the limits of the enclosed garden, which is bordered by either approximately 1.8m high fence panels or mature hedgerows and planting to a similar height. Due to the topography of the area views over the boundary enclosures can be had to the south and west but these take in only the rooftops of nearby properties. Due to the position and height of the proposed balcony I am satisfied that there would be no ability to overlook any private spaces in these directions from the elevated platform that would be created.
7. The property most likely to be affected by the proposal would be October Cottage. However, direct views from the appeal property over the boundary fence and into the neighbouring rear garden beyond the conservatory can already be had from the large expanse of glazing to the lounge. In my assessment, use of a balcony extending a fairly short distance beyond the existing rear elevation to Merrimeet would not significantly alter the current aspect over the neighbouring garden.
8. Due to the relationship between both properties there would be no opportunity to look back towards any rear facing windows to October Cottage. Although there would be an expanded range of outlook from the balcony, sight would remain directed towards the lower part of the neighbouring garden which is already overlooked. A large portion of the garden nearest to the back elevation of October Cottage would be out of sight and obscured by the existing conservatory. I accept that there would be some change, but I am not persuaded that the proposal would impact upon existing levels of privacy to a degree that would be significant or that would harm the adjoining occupiers living conditions. I am satisfied therefore that there would be no conflict with Policy ST3 of the Lewes District Local Plan 2003 insofar as it seeks to ensure development respects the amenities of adjoining properties.

Conditions

9. The Council has suggested a condition that would require the installation of a privacy screen to be erected on the eastern side of the balcony. However,

given my findings, no such screen is necessary. I have however imposed a condition specifying the relevant drawings as this provides certainty.

Conclusion

10. Overall, for the reasons given I conclude that there would be no harm to the living conditions of any adjoining occupiers. Accordingly, and in the absence of any other conflict with the development plan, the appeal is allowed.

John D Allan

INSPECTOR